

# **HARBORCREEK ZONING ORDINANCE**

**ORDINANCE 2010-200**

**2010**

**Prepared by:**

**Harborcreek Township Planning Commission  
Assisted By**

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REFERENCE ZONING MAP

## ARTICLE I

### GENERAL PROVISIONS

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Harborcreek Township, County of Erie, State of Pennsylvania, by authority of and pursuant to the provisions of Article VI, Sections 607 and 608 of Act 247, as amended, of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, and known and cited as the "Pennsylvania Municipalities Planning Code" as follows:

#### SECTION 101 SHORT TITLE

- A. This Ordinance shall be known as the "Harborcreek Township Zoning Ordinance".
- B. The accompanying map is a part of this Ordinance and shall be known as the "Harborcreek Township Zoning Map". The official map for administrative purposes is on record at the Township building, office of the Zoning Officer, and or Township Secretary.

#### SECTION 102 PURPOSE

- A. The regulations of the "Zoning Ordinance" are made in accordance with the Township's Land Use Plan and designed:
  - 1. to secure safety from fire, panic, and other dangers,
  - 2. to promote health and the general welfare,
  - 3. to provide adequate light and air,
  - 4. to prevent the overcrowding of land,
  - 5. to avoid undue congestion of the population,
  - 6. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- B. Such regulations are also made with consideration to the character of the districts set forth and their suitability for particular uses, and encouraging the most appropriate use of land throughout the Township.

#### SECTION 103 SCOPE

- A. The "Zoning Ordinance" regulates within the boundaries of the Township of Harborcreek, Erie County, Pennsylvania:
  - 1. The height and size of buildings and other structures.
  - 2. The percentage of the lot that may be occupied.
  - 3. The size of yards, courts, and other open spaces.
  - 4. The density of population.
  - 5. The location and use of buildings, structures and land for trade, industry, residence or other purposes.
  - 6. The establishment of building lines upon any or all public roads or highways.

7. The amount, location and size of parking and loading facilities required for business, industry, residence or other purposes.
8. Establishes standards for development and the review and approval processes for same.

#### SECTION 104 APPLICATION

- A. In applying the provisions of the Zoning Ordinance, they shall be held to the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures, and/or lots. Where the Zoning Ordinance impose greater restriction than those of any statute, other ordinance or regulations, the provisions of the Zoning shall govern. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those shall govern.
- B. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

#### SECTION 105 WARNING AND DISCLAIMER OF LIABILITY

- A. This Ordinance is enacted to protect and promote the public health and general welfare. Accordingly, it is and is hereby declared to be the intent of the Board of Supervisors that no private rights of any kind or nature shall be created by this Ordinance or any permit issued hereunder. The issuance of any such permit is not to be relied upon by the applicant or any other person as a finding that the work and method or manner of performing the same complies with all applicable safety standards, laws, rules, codes and regulations governing same, nor shall such approval be relied upon for any other reason whatsoever, except as expressly set forth in this Ordinance. A permit issued as required by this Ordinance is not intended and shall not, in any manner, be construed or held to be an approval, guarantee, warranty or representation of any kind on the part of the Township or any officer, agent or employee thereof, concerning the efficiency, adequacy, suitability and safety of that which is authorized by said permit.
- B. This Ordinance shall not create any liability to any person on the part of the Township, or any officer, agent or employee thereof for any and all injuries and damages that may result from reliance on this Ordinance or any permit issued or decision made hereunder.

#### SECTION 106 COMMUNITY DEVELOPMENT OBJECTIVES

- A. This Ordinance and the Harborcreek Township Zoning Map are intended to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements as well as preventing the overcrowding of land, blight, danger and congestion in travel and transportation, lost of health, life or property from fire, flood, panic or other dangers.
- B. The specific objectives upon which the Comprehensive Plan and this Ordinance have been based include the following:
  1. To support and encourage order and beauty in the development of Harborcreek Township's environment for the convenience and pleasure of present citizens and future residents through sound land development practices and the provision of adequate utilities.
  2. To encourage greater consideration for sound, practical, functional, compatible, and aesthetically pleasing design of both land and building.

3. To encourage future land development to complement a logical, harmonious and efficient pattern of future Township growth.
4. To encourage future residential use to occur in a harmonious arrangement within compact neighborhood units.
5. To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry throughout the Township.
6. To guide commercial development in such a way so as to minimize adverse influences on adjacent roads or land values; to maintain and protect existing commercial uses; and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate highway access.
7. To protect property values to insure a suitable, attractive and efficient community environment.
8. To encourage development of integrated and cohesive suburban development.
9. To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.
10. To encourage preservation of agriculture land.
11. To minimize existing non-conforming land use
12. The Community Development Objectives established and adopted in the Harborcreek Township Comprehensive Plan are incorporated herein by reference and may be utilized by the Township in making decisions to the extent permitted by the Pennsylvania Municipalities Planning Code.

ARTICLE II  
ZONING DISTRICTS

SECTION 201 ZONING DISTRICTS

A. Harborcreek Township is hereby divided into the following Zoning Districts:

1. A - Agricultural
2. R-1 - Rural Residential (low density)
3. R-2A - Residential (medium density)
4. R-2B - Residential (single family)
5. R-3 - Residential (high density)
6. LF Lakefront and V Village (Traditional Neighborhood Development Zoning Districts)
7. B-1 - Business
8. B-2 – Interchange Business
9. I - Industrial
10. R-4 - Residential - College Related – Commercial
11. PU- Public University District

SECTION 202 OFFICIAL ZONING MAP

The location and boundaries of the aforementioned zones are hereby established as shown on the Zoning Map for Harborcreek Township, which is attached hereto and is hereby made a part of this Ordinance. Said map and all notations, references and designations shown thereon shall be a part of this Ordinance as if the same were all fully described and set forth herein.

SECTION 203 BOUNDARIES OF ZONING DISTRICTS

A. The boundaries of the Zoning Districts shall be as shown upon the Zoning Map entitled "Harborcreek Township Zoning Map". Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

1. Where a Zoning District Boundary Approximately Follows the Center Line of a Street or Alley - The center line of such street or alley shall be interpreted to be the Zoning District boundary.
2. Where a Zoning District Boundary Approximately parallels a Street Lot Line or Alley Lot Line - The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
3. Where a Zoning District Boundary Approximately Follows a Lot Line - The lot line shall be interpreted to be the Zoning District boundary.

4. Submerged Areas - All areas within the Township which are under water and are bounded by two or more zoning districts the boundary line of these districts shall be extended to the center of the body of water.
5. Classification of Annexed or Unzoned Lands - For zoning purposes all areas annexed to the Township or which are discovered to be unzoned due to administrative oversight or a change in municipal boundaries shall be classified as "R-1" Rural Residential until such time as the Ordinance and Map are officially amended to include the annexed or excluded areas and classify them in accordance with the Harborcreek Township Comprehensive Plan.
6. Vacation of Public Ways - Whenever any street or alley is vacated the Zoning District or Districts adjoining such street or alley, shall be automatically extended to the center of such vacated area.
7. Lots in Two Zoning Districts - Where a Zoning District boundary divides an existing lot of record, it shall be the responsibility of the Zoning Hearing Board to determine the extent to which the boundary shall be extended to the rest of the lot or if it would be more appropriate to request an amendment to the Zoning Map.
8. Boundary Determination Problems - Where it is not possible or practical for the Zoning Officer to determine the location of a zoning district boundary line, or if a petitioner contests the Zoning Officer's determination of the boundary, the Zoning Hearing Board, upon appeal, shall determine and establish the location of said boundary line.
9. All distances pertaining to the delineation of zoning districts as shown on the Zoning Map shall be measured from the existing road right-of-way line when such distance is measured from a public road.

ARTICLE III  
APPLICATION OF REGULATIONS

SECTION 301 USE OF PROPERTY

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless it is in conformity with the regulations herein specified for the District in which said building or land is located.

SECTION 302 RESTRICTIONS

- A. No building shall hereafter be erected or altered.
  - 1. To exceed the height.
  - 2. To accommodate a greater number of families.
  - 3. To occupy a greater percentage of lot area.
  - 4. To have narrower or smaller rear yards, front yards, or side yards than are specified herein for the District in which such building is located.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- C. Lots containing a slope of 3:1 (three feet horizontal to one foot vertical) or greater for a distance of fifty percent of its total depth shall have a minimum of twenty-five percent (25%) total increase in lot depth than is required by this Ordinance before a zoning permit is granted.
- D. No Single Family dwelling unit as defined in Article IV shall be permitted in any zone having a floor area of less than 750 square feet provided that mobile homes or house trailers having less than 750 square feet shall be permitted if situated in mobile home parks as provided for in this Ordinance.
- E. Minimum floor area: (1) 650 square feet/dwelling unit for two family and multi-family dwellings; and (2) 500 square feet for one bedroom efficiency apartments except for housing projects explicitly meeting the definition of a Senior Citizen Dwelling Unit in this ordinance (see dwelling types) .
- F. Single unit mobile homes are only permitted to locate in mobile home parks. Single unit mobile homes are not permitted to locate on any individual lot (exclusive of lots in a mobile home park) in any zoning district. Premanufactured housing unit consisting of two or more individual components (sections) which are towed to, and assembled on, a particular site as one integral dwelling unit are permitted to locate on individual lots in the Agriculture and all Residential zoning districts.
- G. Landfill Operations: Landfill operations for the disposal of sanitary, hazardous or non-hazardous, industrial or other waste materials shall be located and operated in accordance with provisions of the Harborcreek Township Landfill Operations.

Under the provisions of this Ordinance, certain landfill operations may locate and operate as conditional uses in certain zoning districts or portions thereof. The Ordinance defines and describes specific types of landfill operations that may operate in the Township. It also describes the conditions, requirements and regulations under which a landfill operation may locate in Harborcreek Township. Consultation with the Zoning Officer will provide guidance to the specific development and locational requirements pertaining to landfill operations.

- H. Side yard set back provisions for corner lots -- lots which abut on more than one street shall provide the required front yard set back from all lot lines that abut a public street. Required side yard setbacks shall be maintained from all other lot lines for a corner lot, unless meeting requirements for stressed roads under Section 2104 of this ordinance.
- I. Height Regulations: Structures and objects of natural growth which are not regulated by this ordinance may be subject to the Harborcreek Airport Hazard Ordinance.
- J. Exemptions From Setback Regulations: Walls and fences, handicapped access facilities, and parking lots are exempt from side yard requirements pursuant to Article XIX.

## ARTICLE IV

### DEFINITIONS

#### SECTION 401 GENERAL INTERPRETATION

- A. For the purpose of this Ordinance, certain terms and works used herein shall be interpreted or defined as follows:
1. Words used in the present tense shall include the future.
  2. Words used in the singular include the plural.
  3. The word "person" includes a corporation, as well as an individual.
  4. The word "lot" includes the word "parcel".
  5. The term "shall" is always mandatory.
  6. The term "may" is always permissive.
  7. The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words intended, arranged or designated to be used or occupied.
  8. The word "building:" includes the word "structure".
  9. Unless otherwise specified, all distances shall be measured horizontally.

#### SECTION 402 DEFINITIONS

- A. For the purpose of this ordinance, the following definitions are, for the most part, placed in alphabetical order. However, due to amendments, changes, additions, etc., some definitions may not be in alphabetical order but be listed at the end of this section in a non-alphabetical order.
1. **ACCESSORY BUILDING:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
  2. **ACCESSORY USE:** A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use; and not occupying more than forty percent (40%) of the net floor area of any one floor in the principal structure or not more than forty percent (40%) of the lot area.
  3. **AGRICULTURE:** The science and art of farming including cultivating the soil, producing crops and raising livestock and poultry. Agricultural activities include normal farming operations, as well as orchards and vineyards, dairy farms, greenhouses, horticultural operations, nurseries, and agricultural storage and/or processing activities.
  4. **AIRPORT:** Any area of land or water designed and set aside for the landing and taking-off of aircraft and used or to be used in the interest of the public for such purposes. Such areas are usually equipped with hangars, facilities for refueling and/or repair, and various accommodations for commercial and/or private passengers.
  5. **AIRPORT HAZARD:** Any structure, or tree, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport, or is otherwise hazardous to the landing or taking-off of aircraft.

6. AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this ordinance.
7. AIRSTRIP, PRIVATE: An airfield consisting of one or more runways for the private, personal use of the individual(s) living on or owning the premises.
8. ALLEY: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
9. ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side, front or back or by increasing height, or the moving from one location or position to another.
10. ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
11. AMENDMENT: A change in use in any district which included revisions to the zoning ordinance text and/or the official zoning map; and the authority for any amendment lies solely with the Governing Body.
12. ANIMAL HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian; and also includes veterinary clinic.
13. AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
14. AREA, LOT: The area of a lot, site, parcel, etc., which is situated within the property lines of said lot, parcel, etc., provided that the area shall be measured only to the right-of-way line of a street, road or alley; and that it shall not include any part of a street, road, alley or area used in common with the owner(s) or occupant(s) of other lots.
15. AUTOMOBILE REPAIR SHOPS: Any premise used for major automotive and vehicle repairs such as: (1) spray painting; (2) body, fender, clutch, transmission, differential, axle, spring, and frame repairs; (3) major overhauling of engines requiring removal there from of cylinder head or crankcase pan; (4) repairs of radiator requiring removal thereof; or (5) complete recapping or retreading of tires.
16. BASEMENT: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for living purposes and for purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet.
- 16a. BED & BREAKFAST HOMESTAY: An existing owner occupied dwelling of at least 50 years which has been inspected by the Pennsylvania Department of Labor and Industry, in which no more than (6) six rooms are used to provide overnight accommodations for transient guests for compensation and in which breakfast may be provided or offered to the transient guests. (Ordinance 84-102-13)
- 16b. BED & BREAKFAST INN: An existing dwelling of at least 50 years which has been inspected by the Pennsylvania Department of Labor and Industry and provides guest rooms for overnight accommodations of transient guests. Breakfast is the only meal served and is served to the guest only. (Ordinance 84-102-13)

17. **BILLBOARD:** A sign other than one indicating a business conducted on the premises; a sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either free-standing or attached to a surface of a building or other structure.
18. **BLUFF RECESSION HAZARD AREA:** An area or zone where the rate of progressive bluff recession creates a substantial threat to the safety or stability of nearby existing or future structures or utility facilities. See the Harborcreek Township Bluff Set Back Ordinance for specific building and set back requirements as relates to the bluff recession hazard area.
  - a. **Bluff:** a high or bold headland with a broad, precipitous cliff face overlooking a lake.
  - b. **Bluff Line:** the edge or crest of the cliff.
  - c. **Bluff Recession:** the loss of material along the bluff face caused by the direct or indirect action by one or a combination of groundwater seepage, water currents, wind generated water waves, or high water levels.
  - d. **Minimum Bluff Setback Distance:** the shortest horizontal distance from a point on the bluff line to a point on a structure.
19. **BUILDING:** A structure used or intended for supporting or sheltering any occupancy. (Ordinance 84-102-55)
20. **BUILDING, FRONTLINE OF:** The line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
21. **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
22. **BUILDING LINE:** The line within the property defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or property line.
23. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is located.
24. **CARPORT:** An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a room supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.
25. **CARTWAY:** That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.
26. **CELLAR:** A story partly underground having more than one-half of its clear height below the average level of adjoining ground. A cellar shall not be considered in determining the permissible number of stories.
27. **CERTIFICATE OF OCCUPANCY:** A certificate issued by a code administrator allowing occupancy of a building or structure under the UCC. (Ordinance 84-102-55)
28. **CLEAR SIGHT TRIANGLE:** A triangular area of unobstructed vision on corner lots formed by a 100 foot sight line along the centerline of a secondary or primary road, by a 75 foot sight line along the centerline of a local street and by a line joining these two sight lines at the greatest distance from their intersection.
29. **COMMERCIAL:** Engaging in a business, enterprise, activity or other undertaking for profit.

30. **COMMERCIAL VEHICLE;** Any vehicle designed, intended or used for the transportation of people, goods or equipment other than private passenger vehicles and trailers for the private, non-profit transport of goods, equipment, other vehicles and/or boats. Such vehicles shall include commercially licensed trucks that have a capacity of one (1) ton or more and include trucks, tractor-trailers, tractors, trailers and construction and/or earthmoving equipment. Farm tractors and related farm equipment shall be excluded from this definition.
31. **COMMISSION, PLANNING:** The Harborcreek Township Planning Commission.
- 31a. **COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas. (Ordinance 84-102-41)
- 31b. **COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet. (Ordinance 84-102-41)
- 31c. **COMMUNICATIONS MONOPOLE:** An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor. (Ordinance 84-102-41)
- 31d. **COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting tower, designed and used to support communications antennas. Guyed towers are not permitted. (Ordinance 84-102-41)
- 31e. **COMMUNICATIONS TOWER HEIGHT:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. (Ordinance 84-102-41)
32. **COMPREHENSIVE PLAN:** A Comprehensive Plan (overall program) consists of maps, charts and textual matter, and indicates the recommendations of the Planning Commission for the continuing development of a municipality. The comprehensive plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods, a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas.
33. **CONDITIONAL USE:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain locations within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations by the Planning Commission.
34. **CONDOMINIUM UNIT:** Refers a type of ownership where an individual owns the dwelling unit within a building and may have a common interest in the property on which the structure is situated.
- 34a. **CONSTRUCTION PERMIT:** A permit issued by the building code official under the Uniform Construction Code Ordinance (UCC Ordinance), indicating that proposed construction, alteration or reconstruction of a structure or other work regulated by the Uniform Construction Code is in accordance with the UCC as adopted by the Township and authorizing the applicant to proceed with such work or activity. This term shall be deemed to include "building permit" or

“UCC permit.” Such permit is distinct from a “Zoning Permit” and is not issued, administered or reviewed under this Ordinance (Ordinance 84-102-55)

35. **CONVERSION APARTMENT:** The remodeling of a single family dwelling unit into two or more separate living units, exclusive of cellar dwellings; and having a minimum of one off-street parking space per living unit.
36. **COVERAGE, BUILDING:** That portion or percentage of the plot or lot area covered by the building area.
37. **DENSITY:** A measure of the number of dwelling units which occupy, or may occupy, an area of land.
38. **DISTRICT OR ZONING DISTRICT:** An area constituted by or pursuant to this Ordinance and delineated by text and map as location, extent, nature and contents.
39. **DORMITORY, FRATERNITY AND SORORITY:** A building, whether public or private, associated with a school, college or university designed for, used and arranged with rooms providing sleeping, studying, and living accommodations for students. Not to be considered a multi-family dwelling. (Ordinance 84-102-6)
40. **DWELLING:** A building designed or used as the living quarters for one or more families. The terms "dwelling", "one-family dwelling", "multiple dwelling", "two-family dwelling" or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel.
41. **DWELLING TYPE:**
  - a. **Multiple Family:** A building containing three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each unit having its own exterior door or entrance door from an interior hall.
  - b. **Residential Conversion Unit:** To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.
  - c. **Single-Family Detached:** A dwelling unit accommodating a single-family and having two side yards.
  - d. **Townhouse (Row Dwelling):** Three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which may have side yards adjacent to each end unit. Each dwelling unit is generally two stories in height, but may be either one story or three stories in height.
  - e. **Two Family (Duplex):** A building having two (2) dwelling units each with its own exterior entrance and containing but two families. The dwelling units may be either semi-detached with one (1) family living on each side of a common party wall or stacked with one family living over the other.
  - f. **Low Rise or Garden Apartment Building:** A building containing two or more floors with each floor containing a series of individual dwelling units served by a common elevator or stairwell(s). Access to the individual units is provided by a common interior corridor or hallway on each floor, and access to the building is provided by one or more common entrances. For the purpose of this Ordinance a low rise or garden apartment building shall not exceed forty (40) feet in height.

- g. Quadraplex: Four dwelling unit accommodating four families, each unit having two common or party walls, with each dwelling unit being one or two stories in height.
  - h. Senior Citizen Dwelling Unit: A dwelling unit intended for occupancy by persons age 55 or over, or a couple in which at least one person is age 55 or over.
- 42. DWELLING UNIT: Any building or portion thereof which is designed and used exclusively for residential purposes of one-family, and includes complete kitchen and bathroom facilities.
  - 43. DWELLING UNIT AREA: The minimum of average square footage necessary to constitute a dwelling unit in a multiple dwelling structure.
  - 44. EARTH SHELTERED DWELLING: A dwelling specifically designed so most or all of the structure is situated below the average level of the adjoining ground. The earth sheltered dwelling is designed to be an energy efficient structure and is not considered as a cellar dwelling.
  - 44a. EMERGENCY RESPONSE FACILITY (ERF): An area or facility used to house emergency response equipment and transport vehicles. Such equipment shall include fire fighting trucks, ambulances, helicopters and any other equipment of similar purpose. Such facilities shall include what is commonly referred to as fire stations and ambulance heliports. (Ordinance 84-102-32)
  - 45. ERECTED: Includes built, constructed, reconstructed, moved upon or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.
  - 46. ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions of: underground gas, underground or above ground electrical, telephone, cable television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith. (Ordinance 84-102-40)
  - 46a. ESSENTIAL SERVICE STRUCTURE: The erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions of building or structures necessary for the furnishing of adequate services for the public health, safety and general welfare such as water and sewer pump stations, water storage towers, electric substations, natural gas regulator stations, telephone substations or similar type structures, but excluding office buildings, the outside storage of equipment or maintenance depots, communications towers and communications antennae. (Ordinance 84-102-40)

47. FAMILY:
- a. An individual, or two or more persons related by blood or marriage or adoption, living together in a dwelling unit; or
  - b. A group or not more than two persons who need not be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case exclusive of usual servants. (Ordinance 84-102-6)
48. FARM: An parcel of land containing ten or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.
- 48a FLEA MARKET a business which leases outdoor space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground. This definition does not include farmers' markets, which are restricted to only the sale of produce, flowers, and similar agricultural products.
49. FLOOR AREA, NET (As applied to commercial uses to determine Off-Street Parking): The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities or for those areas so restricted that the customers, patients, clients, salesmen and the general public are denied access.
50. FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space and other general administrative areas.
51. FLOOR AREA, GROSS RESIDENTIAL (Also Gross Floor Area): The sum of the gross horizontal areas of several floors of a building and its necessary buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between the exterior faces of walls.
52. FLORICULTURE: The cultivation and management of ornamental and flowering plants.
- 52a FORESTRY the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Pursuant to Section 603f of the Pa Municipalities planning code Forestry, shall be a permitted use by right in all zoning districts.
53. GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.
54. GARAGE, PUBLIC: A public building or structure where motor vehicles can be temporarily stored or parked for a fee.
- 54a GARAGE SALE: A temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area. Garage sales are a permitted temporary accessory to a single family dwelling, provided that no such sales exceed seven (7) days in

duration, and no more than fourteen (14) days of such sales occur within any calendar year from the premises.

55. **GASOLINE STATION:** Any premises used for supplying gasoline, oil, minor accessories and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as spray painting; body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engine requiring removal therefrom of cylinder head or crankcase pan; repairs of radiator requiring removal thereof; complete recapping or retreading of tires.
56. **GOVERNING BODY:** The Board of Supervisors of Harborcreek Township, Erie County, Pennsylvania.
57. **GROUP RESIDENCE FACILITY:** An establishment that provides in a family setting or environment room board and care to persons who are mentally retarded, physically handicapped, dependent children under the age of 18 years or individuals over 62 years of age who are in need of supervision and specialized services limited to health, social and/or rehabilitative services - provided by a governmental agency, its licensed or certified agents or a responsible and licensed nonprofit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency, at least one responsible adult to be available for the resident clients on a 24-hour per day basis while resident clients are on the premises. Such establishment must inherently function as a single housekeeping unit and not as an institution; shall not bear exterior signage and shall not allow or engage in any activity, including extent of parking, not customary for other uses in the particular Zoning District, except as may be required under this Ordinance. This category shall not include facilities for delinquent children; persons 18 or more years of age release from or under the jurisdiction of a criminal court, government bureau of corrections or similar institution or agency; persons suffering from communicable or publicly transmittable diseases or otherwise not within this specific definition. In this category, the number of "residents" shall include clients, staff and family or staff residing in the facility and non-resident staff assigned per shift. (Ordinance 84-102-29)
- 57a. **HARDSHIP:** An unusual situation or condition that relates to a particular property and which denies the property full or reasonable use of his property if strict enforcement of the Zoning Ordinance is followed. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation and/ or enforcement of the zoning regulations would place a property owner or individual in an unusual situation and, in doing so, would deny him the right to use his property for any permitted use or create an unnecessary burden on him. Also see the Pennsylvania Municipalities Planning Code.
- 57b. **HELIPORT:** An area used by helicopters for passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces. (Ordinance 84-102-32)
- 57c. **HELISTOP:** An area on the ground used by helicopters for the purpose of picking up or discharging passengers, refueling, storage space and hangars, but not including maintenance or overhaul. (Ordinance 84-102-32)
58. **HOME GARDENING:** The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.
59. **HOME OCCUPATION:** An accessory use to a portion of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. The use (home occupation) is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the zoning district of which it is a part. Home occupations are permitted as conditional uses in accordance with Article XVII.

60. HORTICULTURE: The science and act of growing fruits, vegetables, flowers, or ornamental plants
61. HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to including sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be limited to places for the diagnosis, treatment or other care of human ailments.
62. HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.
- 62a. IDEOLOGICAL SIGN: A non-commercial sign which expresses a religious, political, social, or other philosophical message. Ideological signs are not to be classified as temporary or permanent. (Ordinance 84-102-51)
63. ILLUMINATED SIGN: Signs which are illuminated by electrical, mechanical or other means, as well as those using luminous paint or reflectorized glass to reflect light.
64. INDUSTRIAL: The manufacturing, compounding, assembling, processing, packaging or treatment of raw material or other products.
65. INSTITUTIONS: A non-profit organization, society or corporation established within or outside of the community, especially one of a public character for the purpose of promulgating the health, welfare and well-being of the community.
66. JUNK: Any worn, cast-off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.
67. JUNK, VEHICLE: A motor vehicle not in running condition, stored in the open, not being restored to operation, unlicensed and without a current Pennsylvania State inspection sticker.
68. JUNKYARD: The use of more than 100 square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereto.
69. LAND DEVELOPMENT: The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two or more buildings.
  - b. The division or allocation of land or space between or among two or more existing or prospective building groups or other features.
  - c. A subdivision of land.
  - d. The construction of new multi-family residential, commercial, industrial or institutional structures.
  - e. The conversion of existing structures to another permitted principal use.
70. LAUNDROMAT: A business premises equipped with individual clothes washing machines for the use of retail customers, or providing a clothes cleaning service though dry cleaning or other

methods, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

71. LIGHTING:

- a. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- b. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- c. Indirect: That form of lighting where in the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

72. LOADING SPACE OR UNIT: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, from the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is not less than 12 feet wide, 45 feet in length and 15 feet in height.

73. LOT: A track or parcel of land designated for conveyance, or transfer of ownership; improvement or sale, whether immediate or future.

74. LOT AREA: The area of a lot, site, parcel, etc., which is situated within the property lines of said lot, parcel, etc., provided that the area shall be measured only to the right-of-way line of a street, road or alley; and that it shall not include any part of a street, road, alley or area used in common with the owner(s) or occupant(s) of other lots.

75. LOT, CORNER: A lot abutting two or more streets at their intersection on which the building line for all streets must be observed.

75a LOT COVERAGE the percentage of a lot covered by buildings or structures measured as the total area of such area divided by total lot area.

76. LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot lines.

77. LOT, INTERIOR: A lot other than a corner lot.

78. LOT LINES: The lines bounding a lot as defined.

79. LOT OF RECORD: Any lot which individually or as part of a subdivision has been recorded in the office of the Recorder of Deeds for Erie County.

80. LOT WIDTH: The mean horizontal distance across the lot, between the side lot lines, measured at right angles to the depth.

81. MINERAL EXTRACTION: Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

82. MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one

integral unit capable of again being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

83. **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 therein of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.
84. **MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.
85. **MOTEL:** Any group of attached or detached buildings containing individual sleeping or housekeeping units designed for transients including an auto court, motor court, motor lodge or cabins.
- 85a. **NO-IMPACT HOME BASED BUSINESS** – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal junctions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
1. The business activity shall be compatible with the residential use of the property and surrounding uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use, including, but not limited to , parking , signs or lights.
  5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  7. The business activity shall be conducted only within the dwelling and may not occupy more that 25% of the habitable floor space.
  8. The business may in involve any illegal activity.  
(Ordinance 84-102-59)
86. **NONCONFORMING STRUCTURE:** A structure or part of a structure not designed to comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of this Ordinance or amendment to its locations by reason of annexation. Such non-conforming structures include, but are not limited to, nonconforming signs.
87. **NONCONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

88. **NONRESIDENTS:** A person or party who does not have a permanent place of dwelling within the community as defined by a local post office address and/or registration to vote within the community.
89. **NURSING HOME:** A proprietary or a non-profit facility licensed by the State of Pennsylvania for the accommodation of convalescents of chronically ill persons, in which nursing care and medical services are prescribed by, or are performed under the, the general direction of persons licensed to provide such care or services in accordance with state laws.
- a. **Skilled Nursing Care Home:** provides "skilled nursing care" as its primary and predominant function.
  - b. **Intermediate Care Home:** provides "skilled nursing care", but not as its primary function.
  - c. **Residential Care Home:** a facility which may provide some "skilled nursing care" but only as an adjunct to its primary residential care function.
  - d. **Personal Care Home:** a facility which may provide some "skilled nursing care" but only as an adjunct to its primary personal care function.
90. **OPEN SPACE:** An unoccupied space open to the sky.
91. **OWNER:** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or equitable interest in the lot in question.
92. **PARKING SPACE:** An off-street space having an area of not less than 180 square feet, whether inside or outside of a structure, for the temporary parking of automobile vehicles. Such space is to be used exclusively as a parking stall for one vehicle, plus 150 square feet used exclusively for turning and access to the parking stall or space.
93. **PATIO:** A patio is defined as a portion of a structure which may or may not be partially enclosed by a roof and/or one or more walls. A patio constructed at "grade level" and with no roof or walls may extend into any required yard space. However, at any point in the future, only that portion of the patio that is within the required building setback lines may be enclosed by applying for a building permit.
94. **PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Ordinance. Such developments usually include a more compact arrangement of individual and/or multi-family dwelling units, grouped in or around common open spaces or green areas. Also, they may include such uses as public and semi-public uses and recreational facilities (noncommercial) provided they are functionally integrated into the development and that the character of the development conforms to the purpose and intent of the Ordinance. In general, such development projects shall include the necessary covenants or other legal provisions and financial programs as will assure conformity to the achievement of the proposed development plan.
95. **PLANNING COMMISSION:** The duly constituted Planning Commission of Harborcreek Township, Erie County, Pennsylvania.
96. **PLAT:** A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

- 96a. **POLITICAL SIGN:** Any sign which advocates a candidate for public office, or which supports a particular political party or a position on an issue to be determined at an election. Political signs are not to be classified as temporary or permanent. (Ordinance 84-102-51)
97. **PORCH:** A roofed over structure projecting from the front, side or rear wall of a building. For the purpose of the Zoning Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.
98. **PREFABRICATED OR MODULAR DWELLING UNIT:** Two or more portable units designed and built to be towed on a chassis and permanently combined on site to form a single immobile dwelling unit and having a minimum of 750 square feet of habitable floor area, shall be regarded as a single-family detached dwelling.
99. **PREMISES:** Any lot, parcel or tract of land and any building constructed thereon.
100. **PRINCIPAL USE:** The major dominant use of the lot on which it is located.
101. **PRIVATE CLUB:** An organization catering exclusively to members and their guests; or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandise or commercial activities are conducted only as required generally for the membership of such club.
102. **PROFESSIONAL OFFICE:** The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential occupation, shall be conducted entirely within a residential building, and shall include only the offices of doctors or physicians, dentists, optometrists, ministers, architects, professional engineers, lawyers, artists, authors, musicians and such other similar professional occupations which may be so designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulations of any gainful occupation need not be deemed indicative of professional standing.
103. **PUBLIC HEARING:** A meeting open to the general public held pursuant to proper "public notice" as defined by the Pennsylvania Municipalities Planning Code.
104. **PUBLIC NOTICE:** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 14 days from the date of the hearing.
105. **PUBLIC RIGHT-OF-WAY:** Any public highway, street or alley accepted by different levels of government for public use; all must be recorded in the Recorder of Deeds Office, Erie County, Erie, Pennsylvania.

- 105a. RECREATION FACILITY: Recreation facilities reclassified as public or commercial and are defined as follows:
- a. Public Recreation Facility: includes any facility or area owned and/or operated by a local, county or state government or a school district for the use of the general public. Such facilities may charge user fees.
  - b. Commercial Recreation Facility: includes all indoor and/or outdoor recreation facilities which are operated as a business and where the facility is available to the general public for a user fee or where the facility (facilities) are available on a membership basis.
  - c. Non-Commercial Recreation Facility: includes such uses/facilities as camps and retreat centers sponsored and/or owned by a religious organization; camps, recreation facilities and other similar uses/facilities operated by a YM/WCA, United Way or similar non-profit organization agency or group.
106. RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.
107. ROOMING HOUSE: A building arranged or used for sheltering more than three (3) but not more than twenty (20) individuals who are not members of the resident manager's family. Shelter is provided in return for compensation and meals may or may not be provided. A rooming house shall also include a boarding or lodging house.
108. SANITARIUM, SANATORIUM: A private hospital, whether or not such facility is operated for profit.
109. SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.
- 109a. SEASONAL RESIDENCE: A residential structure whose principal function is to provide temporary residential living accommodations for non-permanent residents who are vacationing in the area. Such structures can be rented on a daily, weekly or monthly basis and are intended, primarily, to house tourists. Seasonal residences may include tourist cabins and existing single family homes or apartments.
110. SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but not including any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic or similar organization. See Article XXI for a more specific description.
111. SPECIAL EXCEPTION: The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms procedures and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.
- 111a SPECIALIZED ANIMAL RAISING AND CARE for the purposes of this Ordinance, specialized animal raising and care shall include:
- a. Feed lots or similar institutions where cattle, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market, when the density exceeds one (1) animal unit per acre.
  - b. Pens or structures for the raising and care of fur-bearing animals, game birds, or similar operations for profit, when the density exceeds one (1) animal unit per acre.

c. Licensed kennels

For the purposes of this section, "animal unit" shall be defined as one (1) bovine, elk, or equine animal, two (2) swine or camelids, four (4) sheep, deer, or goats, or fifty (50) birds or small mammals.

112. STOOP: A covered or uncovered area at a front, side or rear door not exceeding four feet by five feet or twenty square feet in area.
113. STORY: (Deleted by Ordinance 84-102-55)
114. STORY, HALF: (Deleted by Ordinance 84-102-55)
115. STORY, HEIGHT OF: The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is no ceiling, to the top of the roof rafters.
116. STREET: A public way which affords principal means of access to abutting properties.
117. STREET LINE: The dividing line between the street and the lot, usually referred to as the right-of-way line.
118. STRUCTURE: A combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location. (Ordinance 84-102-55)
119. SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.
120. SWIMMING POOL, PRIVATE: Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. Such pool or open tank shall be enclosed with a solid barrier of not less than four feet but not more than six feet in height. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
121. TRAILER (Camping and Recreational Equipment): Shall include travel trailers, pickup coaches, motorized homes and recreational equipment as follows:
  - a. Travel Trailer: A portable structure built on a chassis, designed to be towed and used as a temporary dwelling for travel, recreational and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.
  - b. Pickup Coach: A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation purposes.
  - c. Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
  - d. Boat: A vessel designed to travel on water.
  - e. Boat Trailer: A trailer designed to haul a boat as defined above.
  - f. Utility Trailer: A general purpose trailer used for hauling miscellaneous equipment and/or items. Such trailers may be open or enclosed.

121a. TREATMENT CENTER/PRE-RELEASE DETENTION FACILITY:

- a. A Treatment Center means a use, other than a prison, providing housing facilities for persons who need specialized housing, treatment, and/or counseling and who need such facilities because of: criminal rehabilitation, such as a criminal half-way house, criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol; chronic abuse of or addiction to alcohol and/or a controlled substance; or a type of mental illness or other behavior that can reasonably be expected to cause a person to be a threat to the physical safety of others.
  - b. A Pre-Release Detention Facility is any use (other than a prison or state correctional institute) which involves the placement of persons under the jurisdiction or supervision of the Department of Corrections (hereafter "D.O.C.") the Board of Probation and Parole (hereafter "B.P.P.") or the Board of Pardons and/or any county probation department, without regard to any primary or secondary medical/psychological/social treatment purpose.
122. USE: The specific purpose for this land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
- 122a. USE CERTIFICATE: A permit issued upon a change in use of a structure or a parcel of land or upon request therefor which certifies that the premises complies with the provisions of this Ordinance and which may be used for the purposes set forth in such permit. (Ordinance 84-102-55)
123. USE, MIXED: The occupancy of a building or of a lot for more than one use, such as: both a business and a residential use; both an industrial and a residential use, etc.
124. VARIANCE: Permission granted by the Zoning Hearing Board for an adjustment to some requirement of the Zoning Ordinance which, if literally or strictly enforced, would result in an unnecessary hardship to a property owner by denying him the reasonable use of said property. The granting of a variance shall maintain the spirit and original intent of the Zoning Ordinance and shall not be contrary to the public interest. A variance applies only to that property for which it is granted. It may modify dimensional or land development standards or the permitted use requirements in order to prevent the unconstitutional taking of the applicant's property or denying him the reasonable use of same. (Also see definition of Hardship in Article IV.)
125. YARD: An open unoccupied space on the same lot with a building or structure.
126. YARD, FRONT: The open space extending the entire width of the lot between the front building line and the street right-of-way.
127. YARD, REAR: The required open space extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.
128. YARD, SIDE: The required open space extending from the side of any building along the side lot line through the entire depth of the building.
129. ZONING: Is a legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.
130. ZONING HEARING BOARD: The Zoning Hearing Board of Harborcreek Township as duly constituted by and established pursuant to the Ordinance.

131. ZONING OFFICER: The individual authorized by the Board of Supervisors to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.
- 131a. ZONING PERMIT: A permit issued that indicates that a proposed use, building, structure or activity is in accordance with the provisions of this Ordinance and other applicable ordinances and regulations of the Township, and which authorizes the applicant to proceed with such use, construction or other activity. The Zoning Permit shall be the means by which the Township regulates use or activities other than construction and other actions expressly regulated by the Uniform Construction Code but which otherwise govern such activities. Action on a Zoning Permit that relates to regulations of this Ordinance shall be subject to appeal under this Ordinance. Action on a Zoning Permit that relates to regulations under other laws or ordinances shall be subject to review as specified in such laws and other ordinances. (Ordinance 84-102-55)

ARTICLE V

A AGRICULTURAL DISTRICT

SECTION 501 PURPOSE

The purpose of the "A" - Agricultural District is to preserve or encourage the preservation of agricultural land. This district is established to provide space which will be used primarily for agricultural activities and to protect such areas and particularly grape growing areas against unjustifiable urban encroachment.

<b>502 A Agricultural District, Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Farms including but not necessarily limited to silos, cribs, machine sheds, coups, barns, livestock sheds, and bins.	Home occupations (1803A)
Other agricultural uses including horticulture, pasturage, orchards, vineyards, plant nurseries and their associated support facilities	Mineral extraction, sand and gravel pits (1803H)
Agricultural processing industries and warehouses except slaughter houses and dead animal reduction plants. This category includes retail outlets for agricultural products produced on and off premises, including wineries, cider mills, and farmer's markets.	Race tracks--auto, horse or dog (1803J)
Growing and selling, either wholesale or retail, of all types of agricultural, poultry or livestock products.	Sawmills (1803N)
Greenhouses.	Airports and private airstrips (1803F)
Stables and riding academies (commercial or private) subject to section 502A	Bed & Breakfast Homestay. (Ordinance 84-102-13) (1803Q)
Grange halls and related agricultural organizations	Emergency Response Facility. (Ordinance 84-102-32) (1803S)
Sportsman's clubs	Helistops. (Ordinance 84-102-32) (1803R)
Public or private golf courses	Essential Service Structure. (Ordinance 84-102-40)(1803T)
Single family farm and non-farm dwellings	Specialized animal raising and care (1803V)
Essential services as defined in Article IV provided they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception, or otherwise be detrimental to the surrounding area	<b>Special Exception Uses</b>
Public and non-commercial recreation facilities.	Cemeteries (1903B)
	Campgrounds and recreational vehicle parks. (1903C)
<b>A Agricultural Accessory Uses</b>	
Private garages, Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses, No-impact home based business, Walls, fences, lamp posts and similar accessory structures subject to the limitations contained in Article XIX, Storage or parking of a commercially licensed vehicle, see Article XIX Storage or parking of major recreation equipment, see Article XIX Energy conversion equipment such as solar collectors and wind energy conversion systems, see Article XIX Other accessory uses, provided They shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

Additional Use Standards

- A. Stables and riding academies (commercial or private) subject to the following requirements:
  - i. Stables and related buildings shall be located no closer than two hundred (200) feet to any dwelling.
  - ii. Pastures shall be located no closer than one hundred (100) feet to any dwelling.
  
- B. Roadside stands for the sale of agricultural or nursery products provided:
  - i. Fifty percent (50%) of the products sold are produced on the same lot.
  - ii. The structure shall be set back a minimum of fifty (50) feet from the road right-of-way line or seventy-five (75) feet from the centerline of the road, whichever is greater.
  - iii. Parking spaces are provided off the road right-of-way.

**SECTION 503 LOT, YARD AND HEIGHT REQUIREMENTS  
SEE ALSO SECTION 505 FOR SPECIAL REQUIREMENTS FOR NEW LOTS**

Use Type/Dimension	Single Family Farm Dwellings And Non-Farm Dwellings	Non-Residential Uses
Minimum Lot Area	40,000 square feet	40,000 square feet
Minimum Lot Width	150 feet	200 feet
Minimum Front Yard Depth	50 feet	50 feet
Minimum Side Yard Width	Principal structures and accessory structures with more than 120 square feet of floor area--30 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Minimum Rear Yard Depth	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet of floor area--5 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Maximum Height of Structure	35 Feet	45 Feet
Maximum Coverage	25 Percent	25 Percent

**SECTION 504 SPECIAL CONSERVATION PROVISIONS**

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shore line and along certain stream valleys. Consultation with the Zoning Office will provide guidance to specific development regulations that affect these areas and the specific locations of the particular conservation areas.

SECTION 505 SPECIAL REQUIREMENTS FOR NEW LOTS

Purpose: Because the A-Agriculture District is specifically designated to protect the Township’s unique high-value farmland from complete development into lots too small for the practice of viable agriculture, the following limits shall apply in the creation of new lots from parent tracts within the district. However, to offer farmland owners maximum opportunities and flexibility for their property, three options are offered. Option One shall be through permitted use. Options Two and Three shall be through Conditional Use Approval.

**Option One: Conventional Subdivision.** In this Option, minimum lot sizes of 40,000 square feet are still applicable. However, only a limited number of new lots may be created. The following limits shall apply in the creation of new lots from parent tracts within the district. The number of new lots created within any parent tract existing in separate ownership on the date of adoption of this Ordinance shall not exceed the number in Table 505A. Separate ownership shall be determined according to the Erie County Assessment Office lot and block records. Regardless of actual party of ownership, a property shall be regarded as existing in separate ownership on the date of adoption if it has a separate deed or tax parcel number. Subsequent or additional subdivisions of lots previously subdivided shall also be limited in the future, based upon the original parcel size in separate ownership at the time of adoption. Both new lots and residual portion of parent tracts must meet minimum lot size standards for the district.

**Table 505A**

<b>Size of Original Property in Separate Ownership</b>	<b>Maximum Number of Lots*</b>
Less than four (4) acres	Three (3) lots
Four (4) acres or over but less than ten (10) acres	Four (4) lots
Ten (10) acres or over but less than twenty-five (25) acres	Five (5) lots
Twenty-five (25) acres or over but less than fifty (50) acres	Six (6) lots
Fifty (50) acres or over but less than seventy five (75) acres	Seven (7) lots
Seventy-five (75) acres or over but less than hundred (100) acres	Eight (8) lots
One Hundred (100) acres or over but less than hundred twenty five (125) acres	Nine (9) lots
One Hundred twenty Five (125) acres or greater.	Ten (10) Lots

\*Including any original or residual tract not subdivided.

The provisions of this section shall apply to all parent tracts as of the effective date of this ordinance. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional lots pursuant to this section, unless the property is rezoned. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tracts. Any subdivision or land development plan hereafter filed for a parent tract in the A-Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings or farm parcels as determined and limited by the provisions of this section.

In the event a tract of land not originally classified as part of the A-Agricultural District on the effective date of this Ordinance is hereafter classified as part of the A-Agricultural District, the size and ownership of such tract of land and its classification as a parent tract, shall be determined as of the effective date of the change in the zoning classification to A-Agricultural.

**Option Two: Homestead and Country Lots.** This Option is designed to allow further subdivision of tracts over twenty five (25) acres (including such tracts previously developed under this sub-section) than permitted under Option One. The intent is to allow a mix of larger Homestead Lots for the purposes of horse keeping or limited agriculture, with smaller Country Lots. At least fifty percent of the total number of proposed lots shall meet the minimum dimensions of Homestead Lots (or be of greater size). The remaining fifty percent of lots may be of Country Lot Standards.

Homestead Lot standards

- Minimum lot size 160,000 square feet
- Minimum lot width 200 feet
- Minimum front yard setback 50 feet on all roads
- Minimum side yard setback 50 feet
- Minimum rear yard setback 50 feet all principle buildings, 10 feet accessory

Country Lot standards

- Minimum lot size 80,000 square feet
- Minimum lot width 150 feet
- Minimum front yard setback 50 feet on all roads
- Minimum side yard setback 30 feet
- Minimum rear yard setback 50 feet all principal buildings, 10 feet accessory

If at least fifty percent (50%) of the total tract acreage prior to subdivision is proposed for Homestead Lots of at least ten (10) acres in size each, the remaining fifty percent (50%) of the tract may be used for Country Lots, regardless of the lot ratios previously stated.

Each newly created Homestead Lot or Country Lot created shall be accompanied by a deed restriction restricting any future subdivision.

**Option Three: Cluster Subdivision.** Under this Option, developers may create smaller lots, while retaining overall site density, and thus saving on road and infrastructure costs. However, because of higher density, a higher level of site planning is necessary to preserve rural resources and natural infrastructure.

Standards:

The minimum size for a cluster subdivision option is twenty-five (25) acres.

The maximum number of permitted new lots shall be determined by dividing the total square footage of lands lacking rights of way, easements steep slopes fifteen percent (15%) or greater, floodplains and wetlands (per the existing conditions map) by 80,000 square feet. This shall be done as follows:

**Step One: Determine Adjusted Tract Acreage:**

Total Tract Acreage	
Subtract Less- Lands in Rights of Way or Utility Easements	
Subtract lands in Open water, Hydric Soils, or other statutory Wetlands	
Subtract all lands in 15%+ Steep Slope as determined by USGS 1:24000 Series, local Topographic Mapping, or The Township Comprehensive Plan maps	
Subtract All land in Floodplains	
Enter Resulting Acreage =Adjusted tract Acreage	

**Step Two**

Adjusted Tract Acreage (expressed as square feet) divided by 80,000 square feet equals the total number of lots permitted. (ATA/80,000 square feet = total lots permitted) Minimum Lot size shall be 40,000 square feet.

## Open Space

The developer shall preserve either sixty percent (60%) of the entire tract or seventy percent (70%) of the active agricultural lands as open space. No tract of open space shall be less than ten (10) acres. A deed covenant shall be attached to prevent construction of other than a farm building or farm accessory structure within any tract of Open Space. Open space uses may be any combination or single use listed below:

Off-lot septic easements or wells, provided that homeowner access is permitted through easement

Timber management and forestry

Agriculture

Equestrian activities by community residents

Scenic areas and vistas

Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits

Developed parklands

Other open space uses may be accepted by the Township if approved prior to submission of an alternative plan and such uses do not entail residential or commercial use.

Unless devoted to agriculture or forestry uses, these areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. If devoted to agriculture or private forestry, means for appropriate permanent dedication or deed covenants to prevent its development shall be required prior to approval.

### Other Development Standards

Stream Side Buffer Areas: To naturally control stormwater runoff, setbacks and yard areas shall be maintained between any perennial stream or natural watercourse based upon the slope between any building or parking area and the non-flood waterline. Slope shall be calculated from the difference in elevation between the edge of the non-flood water line and the proposed building site facing the stream by subtracting the lower elevation from the higher elevation and dividing this by the lineal distance. In this buffer area no new structures shall be constructed, nor shall any clearing of trees or under-story growth be permitted (except as may be necessary for street or trail construction or forest management). Where this buffer is un-wooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species

Stream side Buffer Area Setbacks shall be as follows:

Slope	Setback
0-8 percent	25'
10-15 percent	50'
16+ percent	75'

### Buffers for Adjacent Public Parkland:

Where a proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or under-story growth be permitted (except as may be necessary for trail construction or forest management). Where this buffer is un-wooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species

Whenever any proposed Option Three subdivision abuts an Agricultural Security Area or active agriculture is proposed as a part of open space, the distance between active agricultural areas and proposed dwellings shall be maximized. Under no circumstances shall a dwelling unit be within one hundred (100) feet of an Agricultural Security Area.

**Required Information for Option Two or Three Conditional Use Approval:**

An existing conditions map must be submitted which details:

Topography, the contour lines of which shall be taken from the US Geological Survey 1:24000 Series, or the Slope Maps contained in the Township Comprehensive Plan. Areas of slope of 15 percent or greater shall be clearly depicted.

The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands as depicted by U.S. Fish and Wildlife Service maps (included in the Comprehensive Plan) or Presence of Hydric Soils pursuant to U.S. Department of Agriculture Maps (also in the Township Comprehensive Plan) in the additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.

Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in non-sewered areas, for septic suitability). Active Farmlands in grape production shall be clearly delineated.

Ridgelines and watershed boundaries shall be identified.  
All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.

The developer shall use the existing conditions map as a base upon which to prepare a sketch plan that generally depicts the proposed development, and meets the following standards. This sketch need not contain bearings or distances for proposed lots. It must generally depict the location, size and configuration of lots, dwelling units and open space. As a condition of approval, the developer shall agree to utilize any approved sketch plan as the basis for the preliminary and final subdivision plans.

**Deed Notation to Protect Agricultural Operations:**

Within all options, deed covenants shall be attached to each lot that state, "The grantee acknowledges that this lot is within an active agricultural area. It may be subjected to the odors, dust, noise and other impacts that are a part of normal farming practices, and that agriculture has the pre-existing right of use in this area." Private deed covenants shall not preclude normal agricultural use.

ARTICLE VI

R-1 RURAL RESIDENTIAL DISTRICT (Low Density)

SECTION 601 PURPOSE

The purpose of this district is to establish a low density, single family residential district that meets the needs of those residents who desire a rural environment, to protect those areas of the Township where public sewer and water is not expected to be readily available within the foreseeable future (5-10 years) from over development or premature development and to exclude those uses that are not compatible with such a rural environment.

Table 902A

<b>602 R-1 Rural Residential District , Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Single family dwellings	Home occupations.(1803A)
Churches	Medical and dental offices (1803B)
Public and parochial schools	Nursing, convalescent or retirement homes (1803D)
Public and non-commercial recreation facilities	Fire stations (1803G)
Essential services as defined in Article IV and provided they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.	Mineral extraction and sand or gravel pits (1803H)
Farms including but not necessarily limited to silos, cribs, machine sheds, coups, barns, livestock sheds and bins.	Airports and private airstrips (1803F)
Other agricultural uses including horticulture, pasturage, orchards, vineyards, plant nurseries and their associated support facilities	Bed & Breakfast Homestay. (Ordinance 84-102-13) (1803Q)
<b>Accessory Use</b>	Essential Service Structure. (Ordinance 84-102-40) (1803T)
Private garages	Agricultural processing industries and warehouses except slaughter houses and dead animal reduction plants. This category includes retail outlets for agricultural products produced on and off premises, including wineries, cider mills, and farmer's markets (1803X)
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses.	Planned Residential Development (see Article XVII)
No-impact home based business	Specialized Animal Raising and Care (1803V)
Walls, fences, lamp posts and similar accessory structures subject to the limitations contained in Article XIX	
Storage or parking of a commercially licensed vehicle, see Article XIX	
Storage or parking of major recreation equipment, see Article XIX	
Energy conversion equipment such as solar collectors and wind energy conversion systems, see Article XX	
Other accessory uses, provided They shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**SECTION 603 LOT, YARD AND HEIGHT REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>Single Family Farm Dwellings And Non-Farm Dwellings</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	40,000 square feet	40,000 square feet
Minimum Lot Width	150 feet	200 feet
Minimum Front Yard Depth	50 feet	50 feet
Minimum Side Yard Width	Principal structures and accessory structures with more than 120 square feet of floor area--15 feet Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Minimum Rear Yard Depth	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet of floor area--5 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Maximum Height of Structure	35 Feet	45 Feet
Maximum Coverage	30 Percent	25 Percent

**SECTION 604 SPECIAL CONSERVATION PROVISIONS**

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular conservation areas.

ARTICLE VII  
R-2A RESIDENTIAL DISTRICT (Medium Density)

SECTION 701 PURPOSE

The purpose of this district is to establish a medium density residential district and to encourage or promote "fill-in" development in areas already served by sewers and/or water.

<b>702 R-2A Residential District , Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Single family dwellings	Home occupations (1803A)
Duplexes, or two family dwellings; provided that no duplex or two family dwelling shall abut another duplex or two family dwelling on any side lot line	Medical and dental offices (1803B)
Churches	Nursing, convalescent or retirement homes (1803D)
Public and parochial schools	Fire stations (11803G)
Public and non-commercial recreation facilities	Mineral extraction and sand or gravel pits(1803H)
Essential services as defined in Article IV and provided they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.	Airports and private airstrips(1803F))
Farms including but not necessarily limited to silos, cribs, machine sheds, coups, barns, livestock sheds and bins.	Bed & Breakfast Homestay. (Ordinance 84-102-13) (1803Q)
Other agricultural uses including horticulture, pasturage, orchards, vineyards, plant nurseries and their associated support facilities	Essential Service Structure. (Ordinance 84-102-40) (1803T)
<b>Accessory Use</b>	Planned Residential Development
Private garages	<b>Special Exception Uses</b>
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses	Water recreation or storage facilities (1903E)
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article XIX	Professional offices(1903A)
Storage or parking of a commercially licensed vehicle, see Article XIX	Group residence facility: Group residence facility of six (6) or fewer residents(1903D)
Storage or parking of major recreation equipment, see Article XIX	
Energy conversion equipment such as solar collectors and wind energy conversion systems, see Article XX	
Other accessory uses, provided They shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**SECTION 703 LOT, YARD AND HEIGHT REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>Single Family Dwellings</b>	<b>Duplex Dwellings</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	With off-site sewer and water--10,000 square feet With off-site sewer and on site water--15,000 square feet With on-site sewer and on or off-site water--20,000 square feet	With off-site sewer and water--15,000 square feet. With off-site sewer and on-site water--20,000 square feet.  With on-site sewer and on or off-site water--30,000 square feet.	40,000 square feet excluding street right-of-way
Minimum Lot Width	With off-site sewer and water--75 feet.  With off-site sewer and on-site water--80 feet.  With on-site sewer and/or water--100 feet.	With off-site sewer and water--100 feet.  With off-site sewer and on-site water--120 feet.  With on-site sewer and on or off-site water--200 feet.	200 feet
Minimum Front Yard Depth	35 feet; however, depth shall be 50 feet for properties fronting on Routes 5 and 20 and Iroquois Avenue	35 feet; however, depth shall be 50 feet for properties fronting on Routes 5 and 20 and Iroquois Avenue	50 feet
Minimum Side Yard Width	Principal structures and accessory structures with more than 120 square feet of floor area--10 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	Principal structures and accessory structures with more than 120 square feet of floor area--15 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Minimum Rear Yard Depth	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet--5 feet.	35 feet	100 feet from a residential use; 50 feet from another non-residential use.
Maximum Height of Structure	35 Feet	35 Feet	45 Feet
Maximum Coverage	35 Percent	35 Percent	35 Percent

**SECTION 704 SPECIAL CONSERVATION PROVISIONS**

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shore line and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular conservation areas.

ARTICLE VIII  
R-2B RESIDENTIAL DISTRICT (Medium Density)

SECTION 801 PURPOSE

The purpose of this district is to establish a residential district exclusively for single family use and residences and to protect this portion of the Township from over development.

802 R-2B Residential District , Table of Uses	
Permitted Uses	Conditional Uses
Single family dwellings	Home occupations (1803A)
Churches	Medical and dental offices (1803B)
Public and parochial schools	Fire stations (1803G)
Public and non-commercial recreation facilities	Essential Service Structure. (Ordinance 84-102-40) (1803T)
Essential services as defined in Article IV and provided they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.	Planned Residential Development
Farms including but not necessarily limited to silos, cribs, machine sheds, coups, barns, livestock sheds and bins.	<b>Special Exception Uses</b>
Other agricultural uses including horticulture, pasturage, orchards, vineyards, plant nurseries and their associated support facilities	Water recreation or storage facilities (1903E)
<b>Accessory Use</b>	Professional offices (1903A)
Private garages	Group residence facility: Group residence facility of six (6) or fewer residents (1903D)
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article XIX	
Storage or parking of a commercially licensed vehicle, see Article XIX	
Storage or parking of major recreation equipment, see Article XIX	
Energy conversion equipment such as solar collectors and wind energy conversion systems, see Article XX	
Other accessory uses, provided They shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**SECTION 803 LOT, YARD AND HEIGHT REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>Single Family Dwellings</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	With off-site sewer and water--10,000 square feet With off-site sewer and on site water--15,000 square feet With on-site sewer and on or off-site water--20,000 square feet	40,000 square feet excluding street right-of-way
Minimum Lot Width	With off-site sewer and water--75 feet.  With off-site sewer and on-site water--80 feet.  With on-site sewer and/or water--100 feet.	200 feet
Minimum Front Yard Depth	35 feet; however, depth shall be 50 feet for properties fronting on Routes 5 and 20 and Iroquois Avenue	50 feet
Minimum Side Yard Width	Principal structures and accessory structures with more than 120 square feet of floor area--10 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Minimum Rear Yard Depth	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet--5 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Maximum Height of Structure	35 Feet	45 Feet
Maximum Coverage	35 Percent	35 Percent

**SECTION 804 SPECIAL CONSERVATION PROVISIONS**

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shore line and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular conservation areas.

ARTICLE IX  
R-3 RESIDENTIAL DISTRICT (High Density)

SECTION 901 PURPOSE

The purpose of the R-3 Residential is to provide areas within the Township where residential development can occur or be encouraged at higher densities than are permitted in other residential districts. Multi-family units are permitted and the development of such units, at higher residential densities, can be an incentive for encouraging "fill-in" development in those portions of the Township which have been by-passed by past and present growth trends. In many cases these "skipped-over" areas can be readily served by sanitary sewers and water, and they have good access to the present road network. Allowing higher development densities can make these areas profitable development sites.

<b>902 R-3 Residential District , Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Single family dwellings	Home occupations (1803A).
Duplexes	Medical and dental offices (1803B)
Multi-family dwellings, No structure shall contain more than eight dwelling units	Nursing and Convalescent Homes (1803D)
Churches	Fire Stations (1803G)
Public and parochial schools	Essential Service Structure. (Ordinance 84-102-40)
Public and non-commercial recreation facilities	<b>Special Exception Uses</b>
Essential services as defined in Article IV and provided they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.	Water recreation or storage facilities (1903E)
<b>Accessory Uses</b>	Professional offices (1903A)
Private garages	Group residence facility: Group residence facility of twelve (12) or fewer residents, not more than eight (8) of whom shall be resident clients (1903D)
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article XIX	
Storage or parking of a commercially licensed vehicle, see Article XIX	
Storage or parking of major recreation equipment, see Article XIX	
Energy conversion equipment such as solar collectors and wind energy conversion systems, see Article XX	
Other accessory uses, provided They shall be customarily incidental and subordinate to a permitted use and they shall be located on the same lot as the principal use.	

**SECTION 903 LOT, YARD AND HEIGHT REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>Single Family Dwellings</b>	<b>Duplex Dwellings</b>	<b>Multi-family Dwellings</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	With off-site sewer and water--10,000 square feet With off-site sewer and on site water--15,000 square feet With on-site sewer and on or off-site water--20,000 square feet	With off-site sewer and water--15,000 square feet. With off-site sewer and on-site water--20,000 square feet.  With on-site sewer and on or off-site water--30,000 square feet.	No Multiple Family Dwelling shall be developed on a lot of less than 1 acre. Density shall not exceed eight dwelling units per acre	40,000 square feet excluding street right-of-way
Minimum Lot Width	With off-site sewer and water--75 feet.  With off-site sewer and on-site water--80 feet.  With on-site sewer and/or water--100 feet.	With off-site sewer and water--100 feet.  With off-site sewer and on-site water--110 feet.  With on-site sewer and on or off-site water--200 feet.	200 feet	200 feet
Minimum Front Yard Depth	35 feet; however, depth shall be 50 feet for properties fronting on Routes 5 and 20 and Iroquois Avenue	35 feet; however, depth shall be 50 feet for properties fronting on Routes 5 and 20 and Iroquois Avenue	50 feet	50 feet
Minimum Side Yard Width	Principal structures and accessory structures with more than 120 square feet of floor area--10 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	Principal structures and accessory structures with more than 120 square feet of floor area--15 feet Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	. Principal structures and accessory structures with more than 120 square feet of floor area--35 feet Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Minimum Rear Yard Depth	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet--5 feet.	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet. t	Principal structures and accessory structures with more than 120 square feet of floor area--30 feet Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet.	100 feet from a residential use; 50 feet from another non-residential use.
Maximum Height of Structure	35 Feet	35 Feet	40 Feet	45 Feet
Maximum Coverage	35 Percent	35 Percent	40 Percent	40 Percent

Note: All multi-family dwellings shall be connected to a public sanitary sewer system or shall be served by an approved on-site package system as approved by the Erie County Health Department or the Pennsylvania Department of Environmental Protection. An approved on-site water system (approved by either the County or State) must also be provided if a public water system isn't available at the site.

## SECTION 904 SPECIAL CONSERVATION PROVISIONS

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shore line and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular conservation areas.

**ARTICLE X**  
**V-1 VILLAGE DISTRICT AND LF LAKEFRONT DISTRICTS (Mixed Residential and Business)**

SECTION 1001 V-1 Village

The purpose of this district is to recognize the historic pattern of growth in the Village of Harborcreek. The Village embodies a healthy mix of small-scale business development and single family dwellings at a density that promotes walkability and maintains historic character. The V-1 Village District derives its purpose and authority from Article VII-A of the Pennsylvania Municipalities Planning Code, including, the purposes set forth in that chapter, which are incorporated herein by reference. The V-1 village district is established under this authority to encourage urban infill and outgrowth or extension of existing development in the Township's historic villages as empowered by Section 702-A of the Pennsylvania Municipalities Planning Code.

<b>Section 1002 V-1 Village District Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Single family dwellings	New construction of retail business establishments of greater than 5,000 square feet gfa* (1803U)
Retail business establishments of no greater than 5,000 square feet gfa* or a change of use within an existing structure.	New construction of Eating and/or drinking establishments of greater than 5,000 square feet gfa* (1803U)
Eating and/or drinking establishments . establishments of no greater than 5,000 square feet gfa* or a change of use within an existing structure.	
Business, medical dental ,and professional offices. banks and other financial institutions.	
Business, professional and personal services.	
Funeral homes.	
Municipal buildings and fire stations.	
Churches	
Public and non-commercial recreation facilities	
Home Occupations	
Bed & Breakfast Homestay	
Essential services	
Accessory Uses	<b>Special Exception Uses</b>
Private garages	Conversion Apartments (1903F)
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses.	Multiple family dwellings (1903G))
No-impact home based business	Water recreation or storage uses(1903E))

gfa is gross floor area

Table 1003 Dimensional Requirements

Use Type/Dimension	Single Family Dwellings	Multiple Family Dwellings	Non-Residential Uses
Minimum Lot Area	10,000 Square Feet (New lots created shall be at least 40,000 square feet unless served by public sewer)	40,000 square feet minimum plus 5,000 square feet for each additional unit.	40,000 Square Feet
Minimum Lot Width	75 Feet	100 Feet	100 Feet
Minimum Front Yard Depth	Average of adjacent structures	Average of adjacent structures	Average of adjacent structures
Minimum Side Yard Width	10 Feet	20 Feet, minimum, 100 feet from single family residential use	10 Feet from other nonresidential, 100 feet from residential use
Minimum Rear Yard Depth	35 Feet	20 Feet, minimum, 100 feet from single family residential use	10 Feet from other nonresidential, 100 feet from residential use
Maximum Height of Structure	45 Feet	45 Feet	45 Feet
Maximum Coverage	50 Percent	50 Percent	50 Percent

Additional Lot Standards

A. Accessory structures with less than 120 square feet of floor area:

1. Interior lot line--5 feet.
2. Street side on corner lot--20 feet.

1004 Special Conservation Areas

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular areas.

1005 Standards for all new construction in the V-1 Village District

Buildings shall not be less than one-and-one-half stories in height, and at least half the buildings in any multi-building development for commercial, mixed-use and institutional buildings shall be two stories in height, with respect to the average ground grade along the front building line.

Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.

Buildings shall generally have traditional sloping roofs with overhanging eaves. Desired roof materials include shingle (both wood and asphalt composition) and metal formed to resemble "standing seams." Roof color should be traditional (which encompasses a wide variety of hues, but which does not include white or tan composition shingles, or shiny unpainted metal). The use of dormers and gables is encouraged to provide visual interest. Flat roofs are permitted in two story construction that mimics traditional downtown commercial

forms.

Exterior wall materials may include stucco, wood clapboarding (including vinyl or aluminum imitation clapboard siding), or brick of a shape, color and texture very similar to that found in the historic villages and boroughs of the county. All forms of concrete block and metal buildings are prohibited.

1006 Design Manuals

Pursuant to section 708-A of the Pennsylvania Municipalities Planning Code, Harborcreek Township hereby adopts a written and graphic design manual for use in preparing traditional neighborhood development. The manual is to be used by developers as a basic guide to the Townships' preferred site and building design. The manual adopted is Crossroads, Hamlet, Village Town by Randall Arendt, (Planning Advisory Report 487/488 published by the American Planning Association). The Township Planning Agency is also hereby empowered to prepare additional written and graphic design manual supplements or amendments for consideration of adoption by ordinance at future dates.

**1007 LF LAKEFRONT ZONING DISTRICT (Mixed Residential and Limited Lake Related Business)**

PURPOSE

The purpose of this district is to plan for the unique environmental and scenic value of the Township's Lake Erie coastal areas, while protecting and preserving the unique forms of human development there. A part of the planning for this is to encourage unique development opportunities that will simultaneously enhance both economic and environmental features of this part of the Township. This district is established under this authority to encourage urban infill and outgrowth or extension of existing development as empowered by Section 702-A of the Pennsylvania Municipalities Planning Code.

<b>Section 1008 LF Lakefront district, Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Single family dwellings	Retail business establishments of no greater than 10,000 square feet gfa (1803O)
Seasonal Dwellings	Eating and/or drinking establishments of no greater than 10,000 square feet gfa*(1803O)
	Professional Office (1903A)
Municipal buildings and fire stations.	Campgrounds and Recreational Vehicle Parks 917A1
Churches	Hotel or Motel (No greater than 20 guest rooms) (1803Y)
Public and non-commercial recreation facilities	Commercial Marina (1803Z)
Home Occupations	Planned Residential Development
Bed & Breakfast Homestay	Senior Citizen Dwelling Units (1803AA)
Essential services	<b>Special Exception Uses</b>
Accessory Uses	Water recreation or storage uses(See Section 1703D)
Private garages	Marine Supplies and Services (1903J)
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses.	
No-impact home based business	

gfa is gross floor area

Table 1009 Dimensional Requirements

Use Type/Dimension	Single Family Dwellings And Seasonal Dwellings	Non-Residential Uses
Minimum Lot Area	10,000 Square Feet (New lots created shall be at least 30,000 square feet unless served by public sewer)	30,000 Square Feet
Minimum Lot Width	75 Feet	100 Feet
Minimum Front Yard Depth	35 feet, or an average of nearest two adjacent structures, provided such structures are within 100 feet	35 feet, or an average of nearest two adjacent structures, provided such structures are within 100 feet
Minimum Side Yard Width	10 Feet Accessory structures with less than 120 square feet of floor area: Interior lot line—5 feet, street side on corner lot—20 feet.	10 Feet from other nonresidential, 100 feet from residential use
Minimum Rear Yard Depth	35 Feet	10 Feet from other nonresidential, 100 feet from residential use
Maximum Height of Structure	45 Feet	45 Feet
Maximum Coverage	50 Percent	50 Percent

#### 1010 Special Conservation Areas

Certain portions of this zoning district are located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular areas.

ARTICLE XI  
B-1 BUSINESS DISTRICT

SECTION 1101 PURPOSE

The purpose of this district is to provide for a cohesive and viable business district for the Township and to provide an area where business establishments are encouraged and/or can be maintained. It is created to prevent the intrusion of certain commercial and other uses that would be incompatible with the retail nature of the business district and which could be disruptive to traffic circulation and cause safety problems.

<b>1102 B-1 Business District , Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Retail business establishments.	Research laboratories (1803J)
Eating and/or drinking establishments	Wholesale and/or distribution facilities (1803L)
Business and professional offices	Home occupations (1803A)
Banks and other financial institutions	Outdoor commercial recreation facilities (1803K)
Building Material and Supply	Bed & Breakfast Inn. (Ordinance 84-102-13) (1803)
Business, professional and personal services	Emergency Response Facility. (Ordinance 84-102-32)
Motels, hotels and motor inns	Helistops. (Ordinance 84-102-32) (1803R)
Hospitals and medical and dental clinics.	Essential Service Structure (Ordinance 84-102-40) (1703T)
Funeral homes	<b>Special Exception Uses</b>
Private social and fraternal clubs	Group residence facility: Group residence facility of eight (8) or fewer resident clients or patients
Municipal buildings and fire stations.	
Automotive sales, service, parts and repair facilities	
Gasoline service stations	
Mobile home sale and display lots	
Recreation vehicle sales, service, parts and repair facilities	
Marine sales, service, parts and repair facilities	
Automobile, truck, and/or utility trailer rental facilities	
Planned business and/or office developments (integrated retail shopping and office facilities)	
Athletic clubs and health spas	
Laundromats	
Indoor commercial recreation facilities	
Business schools	
Car wash facilities	
Essential services	
<b>Accessory Uses</b>	
Signs as permitted in Article XXI.	
Residential apartments but only above the ground floor of commercial uses and in accordance with the following provisions a. Each apartment unit shall have two (2) off-street parking spaces b. No building shall contain more than three (3) such apartments.	
Parking and loading facilities as permitted in Article XX.	
Fences -- see Article XIX	
Other accessory uses customarily incidental to a permitted principal use and as approved by the Zoning Hearing Board.	
No-impact home based business.	

SECTION 1103 LOT, YARD AND HEIGHT REQUIREMENTS

Use Type/Dimension	All Uses
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 Feet
Minimum Lot depth	200 Feet
Minimum Front Yard Setback	50 feet, however, the depth shall be increased to 100 feet for properties fronting on Iroquois Avenue and Route 20 and 65 feet for properties fronting on Route 5.
Minimum Side Yard Setback	When abutting another commercial or nonresidential uses--10 feet each side or one-half the height of the structure, whichever is greater.  When abutting a residential zone--50 feet.
Minimum Rear Yard Setback	When abutting another commercial or nonresidential use--10 feet or one-half the height of the structure, whichever is greater.  When abutting a residential zone--50 feet.
Maximum Height of Structure	Principal use--45 feet.  Accessory use--30 feet.
Maximum Coverage	40 Percent

SECTION 1104 SPECIAL CONSERVATION PROVISIONS

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular areas.

ARTICLE XII

B-2 INTERCHANGE BUSINESS DISTRICT

SECTION 1201 PURPOSE

The purpose of this district is to create a compatible land use relationship at the interchange area that: (1) encourages the development of business establishments whose primary function is to serve the traveler, motoring public and inter-regional traffic on I-90; (2) provides a reasonable economic return to the interchange area; (3) protects the traffic-carrying capacity of the interchange cross-route and minimizes traffic circulation conflicts on the cross-route and at the entrance and exit ramps to I-90.

<b>1202 B-2 Interchange Business District , Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Motels, hotels and motor inns or similar types of short-term lodging facilities designed to serve the traveling public	Home occupations –(1803A)
Restaurants with or without licenses to serve alcoholic beverages	Bed & Breakfast Homestay and Inn. (Ordinance 84-102-13) (1803Q)
Drive-in or fast food establishments.	Emergency Response Facilities. (Ordinance 84-102-32) (1803S)
Automotive service stations including minor repair services when conducted entirely within a building	Helistops. (Ordinance 84-102-32) (1803R)
Recreation vehicles parks and campgrounds	
Integrated transportation/travel service facilities designed to serve the interstate traveler and the trucking industry including eating and sleeping accommodations, personal services, fuel service, automotive repair when conducted entirely within a building, the sale of parts, tires, batteries and accessories, parking areas and other accessory uses appropriate to serving the traveling public.	
Retail Businesses	
Essential services.	
Wireless Communication Tower and Communication Equipment Building. (Ordinance 84-102-41)	
Light Industry, defined in this district as the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard or emissions, noxious or dangerous to neighboring properties from outside the property line. examples include, but are not limited to including production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).	
Mini warehouse/storage facilities for individual lease	
Wind Energy Conversion Systems	
<b>Accessory Use</b>	
Signs as permitted in Article XXI.	
Parking and loading facilities as permitted in Article XX.	
Fences -- see Article XIX	
Other accessory uses customarily incidental to a permitted principal use and as approved by the Zoning Hearing Board.	
No-impact home based business.	
Private swimming pools for motels, hotels, and travel trailer parks and campgrounds.	

**SECTION 1203 LOT AND AREA REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>All Uses</b>
Minimum Lot Area	40,000 square feet
Minimum Lot Width	150 Feet
Minimum Lot depth	200 Feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	When abutting another commercial or nonresidential uses—20 Feet each side  When abutting a residential zone--50 feet.
Minimum Rear Yard Setback	When abutting another commercial or nonresidential use--30 feet  When abutting a residential zone--50 feet.
Maximum Height of Structure	Principal use--45 feet.  Accessory use--30 feet.
Maximum Coverage	40 Percent

**SECTION 1204 SPECIAL CONSERVATION PROVISIONS**

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular areas.

ARTICLE XIII

I INDUSTRIAL DISTRICT

SECTION 1301 PURPOSE

The purpose of this district is to provide areas where various industrial and heavy commercial activities can be conducted or developed without creating undesirable or incompatible situations and/or conflicts with adjacent land uses and zoning districts and without causing increased traffic congestion and/or traffic circulation problems and conflicts.

<b>1302 I Industrial District , Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Light and Heavy Industry All such establishments are subject to the performance standards listed in Section 1305.	Auto salvage operations (junk yards).(1803C)
Wholesale, warehouse and storage facilities	Scrap material processing and storage operations. (1803C)
Motor freight (truck) terminals including warehousing and truck repair facilities when conducted entirely within a building and outside parking for tractor-trailers and employees.	Batch or mixing plants for asphalt, cement, concrete or other building or chemical products.(1803M)
Truck stop establishments that provide eating, sleeping and washroom facilities, and refueling and minor repairs services.	Adult Entertainment Establishment. (Ordinance 84-102-12) (1803P)
Truck and heavy equipment sales, service and repair services.	Emergency Response Facilities. (Ordinance 84-102-32) (1803S)
Automotive, truck and utility rental facilities.	Helistops. (Ordinance 84-102-32) (1803R)
Mini warehouse/storage facilities for individual lease.	Heliports. (Ordinance 84-102-32) (1703R)
Distributing plants, beverage bottling/distribution.	Essential Service Structure. (Ordinance 84-102-40) (1703T)
Research and testing laboratories devoted to the research, testing, design, and experimentation of products and processing and fabrication operations that are incidental thereto.	Flea Markets (1703W)
Industrial parks.	<b>Special Exception</b>
Carpenter; electrical; plumbing; welding and blacksmith; heating ventilization, refrigeration and air conditioning; sheet metal fabrication and furniture upholstery operations	Treatment Center/Pre-Release Detention Facility. (Ordinance 84-102-44) (1903H)
Laundry and clothes cleaning and dyeing establishments.	
Printing and publishing establishments.	
Building materials supply	
Bulk storage and distribution of petroleum products or by-products.	
Recreation vehicle and marine sales, service, repair and storage facilities.	
Utility operations including electric and gas operations and sewer and water treatment, distribution and collection facilities	
Essential services.	
Wireless communications tower and communications equipment building. (Ordinance 84-102-41)	
Wind Energy Conversion Systems	
<b>Accessory Use</b>	
Signs as permitted in Article XXI.	
Parking and loading facilities as permitted in Article XX.	
Fences -- see Article XIX	
Other accessory uses customarily incidental to a permitted principal use and as approved by the Zoning Hearing Board.	
No-impact home based business	

**SECTION 1303 LOT AND AREA REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>All Uses</b>
Minimum Lot Area	40,000 square feet
Minimum Lot Width	200 Feet
Minimum Lot depth	200 Feet
Minimum Front Yard Setback	50 feet; however, the depth shall be increased to 100 feet for properties fronting on Iroquois Avenue.
Minimum Side Yard Setback	When abutting another industrial or nonresidential use--20 feet each side.  When abutting a residential zone--100 feet,
Minimum Rear Yard Setback	When abutting another industrial or nonresidential use--20 feet. When abutting a residential zone--100 feet.
Maximum Height of Structure	Principal use--45 feet.  Accessory use--30 feet.
Maximum Coverage	40 Percent

**SECTION 1304 SPECIAL CONSERVATION PROVISIONS**

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific location of the particular areas.

**SECTION 1305 INDUSTRIAL PERFORMANCE STANDARDS**

No use shall hereafter be established or conducted in the I-Industrial District in any manner in violation of the standards of performance listed in this section:

- A. Sound: A sound pressure level of sound radiated from an establishment, measured at the lot line of the site thereof, shall not exceed the values in any octave band of frequency that are specified in Table 1 or in Table 1 as modified by the correction factors set forth in Table 2. The sound pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American Standards Association.

**1. MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS MEASURED TABLE**  
re 0.002 dyne per CM

Frequency Band: Cycles Per Second	Decibels
20 - 75	79
75 - 150	74
150 - 300	66
300 - 600	59
600 - 1,200	53
1,200 - 2,400	47
2,400 - 4,800	41
4,800 - 10,000	39

**2. CORRECTION FACTORS TABLE**

CORRECTION IN

<u>CONDITION</u>	<u>DECIBELS</u>
On a site contiguous to or across a street from the boundary of any R District	Minus 5
Operation between the hours of 10:00 P.M. & 7:00 A.M.	Minus 5
Sound of impulsive character (e.g., hammering)	Minus 5
Sound of periodic character (e.g., hum or screech)	Minus 5
Sound source operated less than:	
20% in any one hour period	Plus 5 *
5% in any one hour period	Plus 10*
1% in any one hour period	Plus 15*

\*NOTE: Apply only one of these corrections.

- B. Vibration: No vibration at any time shall produce an acceleration of more than one-tenth (0.1) g or shall result in any combination of amplitudes and frequencies on any structure beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, entitled "Seismic Effects of Quarry Blasting". The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this subsection.
- C. Smoke: There shall be no emission into the atmosphere from any operation of visible gray smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that visible gray smoke of a shade not darker than No. 2 on such chart may be emitted for not more than four (4) minutes in any period of thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of any other color with an equivalent apparent opacity.
- D. Other Air Pollutants: There shall be no emission of fly ash, dust, dirt, fumes, vapors or gases into the atmosphere from any operation to any extent that could cause any damage to the public healthy, to animals or vegetation or to other forms of property, or which could cause any excessive soiling at any point. In no event shall there be any such emission of solid or liquid particles in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air, nor of acid gases in excess of two-tenths percent (0.2%) by volume. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to stack temperatures of five hundred degrees Fahrenheit (500 degrees F) and fifty percent (50%) excess air.
- E. Odor: There shall be no emission of odorous gas or any other odorous material in such quantity as to be offensive beyond the boundaries of the site of such emission. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", copyright 1951, by Manufacturing Chemists Association, Inc., Washington, D.C.
- F. Radioactivity: There shall be no radioactivity emission that would be dangerous to health in the opinion of the Pennsylvania Department of Environmental Protection or other agency designated by state officials for this purpose.
- G. Electrical Interference: There shall be no electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

- H. Liquid or Solid Wastes: There shall be no discharge of any liquid or solid wastes into any stream, except as authorized by the Pennsylvania Department of Environmental Protection.
- I. Glare: There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any R-District.

#### SECTION 1306 SPECIAL SETBACK (BUFFER STRIP) PROVISIONS

Where an industrial district abuts any residential district, the required side and/or rear yard(s) for all uses shall be 100 feet and said side and/or rear yard(s) shall contain a forty (40) foot buffer strip or green area. The purpose of said buffer strip is to provide a reasonable measure of protection to the adjacent residential districts.

The buffer strip shall be measured inward forty (40) feet from the perimeter property line (the side and/or rear property line(s)). The buffer strip shall remain completely free of man-made intrusions such as parking areas, storage areas, driveways, fences, signs, lighting fixtures, principal or accessory structures, other similar structures, use areas and fixtures.

The buffer strip may be landscaped, and it shall be maintained by the owner/occupant in such a manner as to insure that the buffer strip does not become a nuisance area nor does it present an unsightly appearance that would detract from the subject property and/or neighboring properties. Those portions of the buffer strip that are naturally wooded (tree covered) need not be maintained or landscaped and can remain in their natural state.

ARTICLE XIV

R-4 COLLEGE RELATED RESIDENTIAL - COMMERCIAL DISTRICT

SECTION 1401 PURPOSE

The purpose of the R-4 Residential - Commercial District is to provide an area within the Township where residential and commercial development can be mixed to accommodate the needs of Penn State-Erie Behrend College students. This area is to encourage housing of students around the immediate area of the campus and not in the established residential district.

<b>1402 College Related Residential District, Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Single-family detached dwellings.	Fraternities and sororities (1803BB)
Duplex, two-family dwellings.	Essential Service Structure (1803T)
Town or row house or multiple family apartment.	Home occupations(1803A)
PRD - planned residential developments.	Bed & Breakfast Homestay & Inn (1803Q)
Churches and parish houses.	<b>Special Exceptions</b>
Primary and Secondary Schools, public and parochial (not including commercial or trade schools, or colleges and Universities)	Group residence facility: Group residence facility of twelve (12) or fewer residents, not more than eight (8) of whom shall be resident clients (1903D)
Community Libraries, parks and playgrounds.	
Essential services.	
Planned research and business park.	
Banks, drive-in and/or walk in.	
Medical and Dental Clinics	
Barber shops and beauty salons.	
Retail Businesses limited to 40,000 square feet of gross floor area per building.	
Professional offices	
Rooming houses	
Mixed residential and commercial buildings with no more than 40,000 square feet of gross floor area commercial uses located on the ground floor and/or basement levels of the building	
Golf courses.	
Motel or hotel	
Funeral Home	
Nursery or Day Care Center	
<b>Accessory Uses.</b>	
Private garages and parking areas	
Signs	
Accessory uses and structures customarily appurtenant to a principal permitted use	
No-impact home base business	

**SECTION 1403 LOT, YARD AND HEIGHT REQUIREMENTS**

<b>Use Type/Dimension</b>	<b>Single Family Dwellings</b>	<b>Duplex Dwellings</b>	<b>Multi Family Dwellings</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	With off-site sewer and water--10,000 square feet With off-site sewer and on site water--15,000 square feet With on-site sewer and on or off-site water--20,000 square feet	With off-site sewer and water--15,000 square feet. With off-site sewer and on-site water--20,000 square feet.  With on-site sewer and on or off-site water--30,000 square feet.	No Multiple Family Dwelling shall be located on a lot of less than 1 acre. Maximum density shall be 16 dwelling units per acre.	20,000 square feet
Minimum Lot Width	With off-site sewer and water--75 feet.  With off-site sewer and on-site water--80 feet.  With on-site sewer and/or water--100 feet.	With off-site sewer and water--100 feet.  With off-site sewer and on-site water--110 feet.  With on-site sewer and on or off-site water--200 feet.	Minimum lot width at the building set back line--200 feet.	200 feet
Minimum Front Yard Depth	35 feet	35 feet	50 feet	50 feet
Minimum Side Yard Width	Principal structures and accessory structures with more than 120 square feet of floor area--10 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	Principal structures and accessory structures with more than 120 square feet of floor area--15 feet each side. Accessory structures with less than 120 square feet of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	As related to perimeter and/or interior property lines: principal structures and accessory structures with more than 120 square feet of floor area--35 feet; accessory structures with less than 120 square feet of floor area-5 feet.	10 feet from a residential use; 10 feet or one half of structure height, whichever is greater from another non-residential use.
Minimum Rear Yard Depth	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet--5 feet.	Principal structures and accessory structures with more than 120 square feet of floor area--35 feet.  Accessory structures with less than 120 square feet--5 feet	As related to perimeter and/or interior property lines: principal structures and accessory with more than 120 square feet of floor area--30 feet; accessory structures with less than 120 square feet of floor area--5 feet.	When abutting another commercial or nonresidential use--10 feet or one-half the height of the structure, whichever is greater When abutting a residential use--50 feet.
Maximum Height of Structure	35 Feet	35 Feet	40 feet	Principal 45 Feet Accessory 30 Feet
Maximum Coverage	40 Percent	40 Percent	40 feet	35 Percent

Duplexes, multi-family units, and PRD's are not to be used as a dormitory as defined in Article IV. (Ordinance 84-102-39)

## SECTION 1404 SPECIAL CONSERVATION PROVISIONS

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular areas.

ARTICLE XV

PU PUBLIC UNIVERSITY DISTRICT

SECTION 1501 PURPOSE

The purpose of the PU Public University District is to create a zoning district to preserve and protect the unique and substantial investment of public wealth in the Penn State Behrend campus, which creates an atmosphere where learning, scholarship and research may flourish. The district is also meant to protect neighboring areas of private residential uses from land use conflicts due to disparities of size and scale.

<b>1502 PU Public University district, Table of Uses</b>	
<b>Permitted Uses</b>	<b>Conditional Uses</b>
Colleges and universities, including classrooms administrative and support buildings, but not including college stadiums and sports fields, which are conditional uses.	Fraternities and sororities (1803BB)
Community Libraries, parks and playgrounds.	Essential Service Structure (1803T)
Essential services.	Stadiums and sports fields (1803CC)
Planned research and business park.	<b>Special Exceptions</b>
Single Family Dwellings	Group residence facility: Group residence facility of twelve (12) or fewer residents, not more than eight (8) of whom shall be resident clients (1903D)
Dormitories, private, college or university related	
<b>Accessory Uses.</b>	
Private or public garages and parking areas	
Signs	
Accessory and structures customarily appurtenant to a principal permitted use	
No-impact home base business	
Energy conversion equipment such as solar collectors and wind energy conversion systems, see Article XX	

Table 1503 Dimensional Requirements

Use Type/Dimension	Single Family Dwellings	Colleges and Universities	Other Non-Residential Uses
Minimum Lot Area	40,000 Square Feet	20,000 square feet	40,000 Square Feet
Minimum Lot Width	150 Feet	100 Feet	200 Feet
Minimum Front Yard Depth	50 Feet	50 Feet from a state or township road, no setback from a college or university owned and maintained road or street	50 Feet
Minimum Side Yard Width	10 Feet	20 feet between buildings within a college or University campus 100 feet from single family residential use or an R2A or R-4 District	50 Feet from other nonresidential, 100 feet from residential use
Minimum Rear Yard Depth	35 Feet	20 feet between buildings within a college or University campus 100 feet from single family residential use or an R2A or R-4 District	50 Feet from other nonresidential, 100 feet from residential use
Maximum Height of Structure	45 Feet	45 Feet	45 Feet
Maximum Coverage	30 Percent	30 Percent	30 Percent

Additional Lot Standards

A. Accessory structures with less than 120 square feet of floor area or within a college or university campus:

1. Interior lot line--5 feet.
2. Street side on corner lot--20 feet.

B. Exceptions: Walls and fences shall be exempt from side yard requirements as noted above, see Article XIX. (Ordinance 84-102-7)

C. Minimum floor area for all single family dwelling units -- all units shall have a minimum floor area of 750 square feet per unit. Floor area is defined in Article IV. However, mobile homes having less than 750 square feet of floor area shall be permitted in mobile home parks as provided for in this Ordinance and the current Harborcreek Township Mobile Home Ordinance.

1504 Special Conservation Areas

Certain portions of this zoning district may be located in critical conservation areas which are regulated by the Harborcreek Township Bluff Setback Ordinance and Flood Plain Ordinance. The conservation areas are located along the Lake Erie shoreline and along certain stream valleys. Consultation with the Zoning Officer will provide guidance to specific development regulations that affect these areas and the specific locations of the particular areas.

## ARTICLE XVI

### PLANNED RESEARCH AND BUSINESS PARK (Ordinance 84-102-42)

#### SECTION 1601 INTENT

- A. It is the intent of the Planned Research and Business Park (PRBP) to provide for development of research and business parks that, while meeting applicable building, health and safety standards, also fosters innovative building and open space massing resulting in an aesthetically attractive working environment; provides for the preservation and protection of natural resources and the effective, use of land and materials; fosters internal and external educational, business and research relationships to enhance the economic stability of the Northwest Pennsylvania Region; and provides the flexibility to adapt to changes in markets and technologies.
- B. In addition, the PRBP is intended to achieve the following objectives:
1. Provide for screening, landscaping, signing and lighting.
  2. Provide efficient, safe and aesthetic land development.
  3. Provide for adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property and to preserve existing topography trees amenities, landmarks and natural features.
  4. Develop proper safeguards to minimize the impact on the environment including but not limited to minimizing soil erosion and sedimentation, air and water pollution, and noise levels.
  5. Ensure the provision of adequate water supply drainage and stormwater management, sanitary facilities and other utilities and services.
  6. Provide this type of development with infrastructure and services supplied by the Township and Public Authorities.

#### SECTION 1602 GENERAL REQUIREMENTS

- A. Design and Improvements.
1. The design and physical improvements to the property being developed shall be provided by the developer as shown on the approved plan in accordance with the requirements of this chapter. Unless specifically waived or superseded by this chapter, all parks must comply with all requirements of the Harborcreek Township Subdivision and Land Development Ordinance and the Harborcreek Township Storm Water Management Ordinance.
  2. Location: A park shall be adjacent to and have the primary vehicle access to an arterial street.
  3. Size: A proposed park shall have no maximum acreage limit but shall contain no less than 50 acres of total land area.
  4. All land contained in a proposed park must be filed by a single landowner and be developed as a single entity.
- B. Permitted Uses.

Land and structures in park may only be used for the following:

1. Primary uses:

- a. Public and private institutions of higher education and training.
  - b. Laboratories, offices and other facilities for both basic and/or applied research.
  - c. Corporate and governmental offices that are in conformance with the intent of this ordinance.
  - d. Production or assembly of prototype only to the scale necessary for full investigation of the merits of a product.
  - e. Pilot plants.
  - f. Data and communication centers, information processing facilities.
  - g. Business, professional and financial offices.
  - h. Hotels, conference facilities, meeting rooms and restaurants.
  - i. Business services and retail uses incidental to and in support of other permitted uses.
  - j. Multi-occupancy incubators.
2. Accessory uses:
- a. Open space improvements and facilities.
  - b. Active recreational structures and fitness facilities.
  - c. Caretaker residences.
  - d. Other incidental operations required to maintain or support a primary or limited use such as maintenance shops, central energy plants and wastewater treatment facilities.

C. Density.

Lot area shall be a minimum of 20,000 sq. ft.

SECTION 1603 MAXIMUM COVERAGE

A. Maximum Building Coverage.

- 1. The total ground floor area of all buildings and structures shall not exceed thirty-five percent (35%) of the total land area of the park.
- 2. Maximum impervious surfaces shall in developments of fifty (50) to one hundred (100) acres not exceed sixty percent (60%) and in developments of one-hundred (100) plus acres, not exceed sixty-five percent (65%) of the total land area of the park.

SECTION 1604 HEIGHT

The height of all buildings within two hundred (200) feet of the boundary of the park shall not exceed the maximum height permitted in any adjoining zoning district. When the building is located within two hundred (200) feet of more than one (1) adjoining zoning district, the height shall not exceed the lowest maximum height allowed in either district. The maximum height of any building in the district shall be sixty (60) feet.

SECTION 1605 PERIMETER REQUIREMENTS

The park shall be designed to avoid adverse influences and impacts on surrounding properties. Required setbacks from perimeter boundaries shall be 100 feet for structures and 50 feet for parking areas. I-90

perimeter setbacks shall be 50 ft. for structures and 25 ft. for parking and driveway areas. Entry features are excluded from set back requirements provided they meet requirements of the Harborcreek Township Subdivision and Land Development Ordinance.

#### SECTION 1606 INTERIOR SETBACKS

Interior setbacks must be proposed by the developer and shown on the Preliminary Plan, and will be approved by the Township Supervisors, as a part of the Preliminary Plan approval. These setbacks must be consistent with the park's design and intent. Minimum front yard setback shall be 35 feet. Minimum side and rear yard setbacks shall be 20 feet.

#### SECTION 1607 OPEN SPACE REQUIREMENTS

- A. A minimum of thirty percent (30%) of the gross area of the park shall be devoted to open space.
- B. At least fifty percent (50%) of the required open space shall be contiguous.
- C. For purpose of calculating required acreage specified herein, open space shall not include land occupied by streets, driveways, parking spaces and buildings or structures, other than recreational structures.

#### SECTION 1608 ENVIRONMENTAL DESIGN

- A. The environmental design scheme of the park shall be laid out in such a fashion so that all of the elements listed below are incorporated into a harmonious and aesthetically pleasing design. Consideration should be given to the overall character of the development and its visual effect on adjacent uses as well as the tenants of the development, residents of the township and Northwest Pennsylvania Region at large.
- B. Existing trees should be inventoried and preserved whenever possible. Existing stands of mature healthy trees, hedgerows, waterways, historic sites, scenic points, views and vistas and other community assets and landmarks shall be preserved.
- C. The park should be designed to minimize grading and other changes to the natural terrain. All graded slopes should blend with the surrounding terrain and development.
- D. All landscaping shall be in conformance with an overall landscaping plan and unifying concept for the development.
- E. The park shall conform to the regulations on erosion and grading control contained in the Harborcreek Township Subdivision and Land Development Ordinance.
- F. The park shall conform to the requirements of the Harborcreek Township Stormwater Management Ordinance.
- G. Commercial outdoor advertising signs shall be prohibited. Identification and directional signs shall be permitted per Article XXI.
- H. There shall be no direct glare, whether from floodlights or high-temperature processes, so as to be visible from adjoining zoning districts.

#### SECTION 1609 STREETS AND TRAFFIC

- A. A park shall have an internal system of public streets with the major access to the site be linked to a designated arterial street.
- B. All streets in the park shall conform to all standards contained in the Harborcreek Township Subdivision and Land Development Ordinance prior to dedication to the Township.

- C. The need for secondary access for emergency vehicle use will be shown at the time of Preliminary Plan approval and can be provided by a second entrance or an approved alternative solution.

#### SECTION 1610 PARKING

- A. Motor vehicle access and off-street parking shall be provided as required in this Ordinance to correspond with the development phases specified in the Preliminary Plan. Parking requirements for institutions of higher education shall be based upon the principal use of the building or structure.
- B. Reservation and siting of the excepted parking areas shall be recorded as a condition the Preliminary Plan but may be constructed in stages to correspond with employment growth at the site. Submissions shall contain the landowner's plan for phasing and monitoring of employment growth. All parking as required in this section shall be constructed within five years flowing final plan approval, however, an amendment to the parking phasing may be granted to extend the accepted parking phasing.
- C. The applicant may also submit a plan for alternative on-site and/or off-site parking locations for the limited uses, as defined, which provide shared or substitute parking for up to 25 percent of the required parking. Plans should include methods of transportation linkage to alternative location and means of implementing and monitoring off-site parking. All approved plans for alternative parking shall be recorded as a condition in the Preliminary Plan in the form of declarations of covenants.
- D. Excepted parking shall be provided according to the following ratios:
  - 1. Hotel: 1.25 spaces per room.
  - 2. Conference Center: six (6) spaces per 1000 gross square feet.
  - 3. Corporate and Governmental Offices: one (1) space per each 350 square feet.
  - 4. Research and development uses including laboratories, offices, and other facilities for basic and/or applied research; business incubators; and pilot plants: one (1) space per 500 gross square feet.
  - 5. Production or assembly of prototype products: one (1) space per 600 gross square feet.
  - 6. Business and Retail Services: one (1) space per 200 sq. ft. of public area.
  - 7. Restaurants: 1 space per 50 sq. ft. of seating area.

#### SECTION 1611 PEDESTRIAN AND BIKEWAY ACCESS

A system of pedestrian and bikeway access, in the form of paved sidewalks or interior walkways, shall be provided within the park. The minimum width of these access ways shall be eight (8) feet in width and these access ways shall be paved with asphalt and be designed to drain. It may be necessary to connect between every use, structure or recreational area with pedestrian walks outside the park area for safety concerns. The Planning Commission will make this decision based on the conditions that exist at the site.

#### SECTION 1612 UTILITIES, EASEMENTS AND MARKERS

- A. Sanitary Sewage Disposal.

All buildings in a park located in the designated public service area, shall connect to a public sewage treatment system.

- B. Water Supply.

1. All buildings in a park shall connect to, a public or private water system. All water mains and laterals shall meet the design and installation specifications of the public water system. In addition, if water service is provided by a system not owned or operated by the landowner, a "letter-of-intent to serve water" is required.
2. Fire hydrants that assure adequate accessibility of fire equipment and personnel shall be installed with the extension of water mains in locations approved by the Supervisors. Fire hydrants shall be placed in such a manner that no building so served shall be further than six hundred (600) feet of road from the hydrant. The Township shall submit copies of the proposed Preliminary Plan to the local fire company for review. The local fire company, during the course of its review, shall consider the location of all fire hydrants and fire lanes, as well as any other factors that may impede adequate fire protection to the tenants of the park.

C. Easements.

Utility and drainage easements shall be provided in conformance with the requirements of the Harborcreek Township Subdivision and Land Development Ordinance.

D. Monuments and Markers.

Monuments and marker shall be installed for all subdivisions in the park in conformance with the requirements of the Harborcreek Township Subdivision and Land Development Ordinance.

SECTION 1613 PHASING AND SCHEDULING

- A. A phase of a park shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land uses, even if the remainder of the park were to be discontinued and the plan abandoned.
- B. If a park is to be developed in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall not exceed the maximum allowed density of the total park.

SECTION 1614 DEFINITIONS

- A. ENTRY FEATURE: A sign, flag, fence, wall, fountain, kiosk or pavilion, plan material, or a combination of such structures or decorative elements located at the entrance to a site to indicate or mark an access point.
- B. PHASE: A component or definable part of a whole: a stage of development. A phase of a development plan is that part of the entire plan which, if implemented, is capable of standing on its own. A phase or planned development shall be able to function independently of the undeveloped phases, while being compatible with adjacent or neighboring land uses, even if the remainder of the planned development were to be discontinued.
- C. PILOT PLANT: Facility where the production and/or testing of materials or process conducted at a scale larger than bench top and smaller than commercial production and/or testing.
- D. PLANNED RESEARCH AND BUSINESS PARK (PRBP): An area of land, controlled by a landowner, to be developed as a single entity for a mixture of research and business uses.

SECTION 1615 REVIEW PROCEDURE

- A. The procedure for obtaining approval of the PRBP shall be in conformance with the requirements of the Harborcreek Township Subdivision and Land Development Ordinance.

ARTICLE XVII  
**ARTICLE XVII PLANNED RESIDENTIAL DEVELOPMENT**

Land development concepts which provide for varied housing needs require a different set of guidelines and standards for the developer to follow than those established by the subdivision ordinance for conventional subdivisions and land development. It is therefore the intent of this Ordinance to establish uniform standards governing Planned Residential Development (PRD). Where not specifically contained in this chapter, procedures and administrative requirements for PRDs shall be consistent with Article VII of the Pennsylvania Municipalities Planning Code.

**1701 PURPOSE**

The purpose of the PRD regulations is to create residential development which is more creative and imaginative and which will foster more efficient, aesthetic and desirable use of natural areas than is generally possible under conventional zoning district regulations and subdivision requirements. Further, these regulations are intended to promote more economical use of land potential while providing a latitude in building design, building placement, amenities and community facilities of appropriate quality, oriented to the specific development site characterized by special features of topography, shape or size, and at the same time preserve the natural scenic qualities, open spaces, and integrity of single family residential neighborhoods within Harborcreek Township.

**1702 APPLICATION OF PROVISIONS**

PRD may be permitted in the R-1 Rural Residential, R-2A and R2B Medium density Residential, and LF Lakefront districts, subject to the restrictions, qualifications and requirements cited in this chapter, as enumerated herein below. Provisions of the Zoning Ordinance and Subdivision Ordinance concerned with dwelling type, bulk, density and open space shall not be applied when PRD proposals are approved, except when specifically indicated by the provisions contained in this chapter.

**1703 OWNERSHIP REQUIREMENTS**

- A. A minimum land area for a PRD shall be twenty (20) contiguous acres.

The applicant for a PRD plan approval shall evidence a full ownership interest in the land. The evidence shall either be legal title or an executed binding sales agreement.

- B. The project shall be in single, legal as well as equitable, ownership prior to approval of the final development plan.

**1704 AVAILABILITY OF PUBLIC SERVICES AND ACCESS**

The developer shall connect a proposed PRD to public or community sewer or water facilities in conformance with Sections 603 and 604 of the Harborcreek Township Subdivision and Land Development Ordinance.

The developer shall conform to all provisions relative to stormwater management as stated in Section 606 of the Harborcreek Township Subdivision and Land Development Ordinance.

All PRD developments shall be regulated to the local and regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission, Board of Supervisors, and appropriate officials of the Pennsylvania Department of Transportation that traffic circulation will not be adversely influenced, that additional traffic hazards will not be created and that public and private road systems are adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD-generated traffic. Street design and construction in PRDs shall conform to the Harborcreek Township Subdivision and Land Development Ordinance.

**1705 ADMINISTRATION**

The planned residential development provisions of this Article shall first be administered by the Harborcreek Township Planning Commission which shall review all applications on the basis of specified standards, conditions, regulations and procedures and shall make recommendations to the Board of Supervisors which shall conduct public hearings (or designate the Planning Commission to hold public hearings). The Board of Supervisors shall have final authority to approve, modify or disapprove development plans.

**1706 STANDARDS AND REQUIREMENTS**

Residential density shall be consistent with the following standards, based upon the zoning district underlying the proposed PRD.

Zoning District	Allowable Dwelling units per Buildable Acre	Allowable Dwelling Units of building per
R-1 Rural Residential	One (1) dwelling unit per each 40,000 square feet of buildable area	Four (4)
R2-A/R2B Residential Districts and LF Lakefront Districts	One (1) dwelling unit per each 20,000 square feet of buildable area	Four (4)

Buildable area shall be determined by determining total acreage less all lands within the rights-of-way of planned or existing public streets or highways, or within the rights-of-way of existing or proposed overhead utility lines, all land in designated floodplain, and all land in designated wetlands or open water, and all land containing slopes greater than fifteen percent (15%) (as determined by the USGS 1:24000 series of topographic maps).

The Township further reserves the right to reduce density levels in any proposed PRD if it determines that:

There is inconvenient or inadequate vehicular access to the development;

Traffic congestion resulting in level of service ratings of “D,” “E,” or “F” as determined by PennDOT criteria, or a decrease of two (2) or greater level ratings, or similar conditions as determined by a traffic analysis on adjoining streets will be generated;

An excessive burden will be placed upon the ability of responsible public agencies to provide needed public facilities to serve the proposed development.

**1707 LOT AND STRUCTURE REQUIREMENTS**

Lot Size: There shall be no minimum lot size or lot width. However, every dwelling unit shall have access to a public street, court, walk or other area dedicated to public use. No structure or group of structures shall be erected within twenty five (25) feet of any other structure or group of structures.

Setback: All structures on the perimeter of the development must be set back one hundred from property boundaries existing road centerlines and occupied single-family dwelling unit adjacent to the PRD as follows:

Zoning District	Distance of structures from property lines or road centerlines	Distance of structures from an occupied single family dwelling adjacent to the PRD	Distance of structures containing more than one dwelling unit from an occupied single family dwelling adjacent to the PRD
R-1	100 Feet	200 feet	300 feet
R2A-R2B Lakefront	50 Feet	100 Feet	200 feet

Lot coverage shall be consistent with the Zoning District in which the PRD is located and shall be based upon the entire PRD.

Configuration of Structures containing more than one dwelling unit: Every building in a PRD containing more than one dwelling unit shall have direct first floor access to an outdoor area. No multiple story structure may have a dwelling unit located exclusively on a second floor or higher. Buildings housing more than one dwelling unit may be of a single story configuration or of a townhouse configuration, provided that all second story or higher areas are integral parts of a dwelling unit with primary access on the first floor. Common stairways, garden apartments, and upper story "flats" are specifically prohibited. No building containing more than one dwelling unit shall contain more than four (4) dwelling units per building.

Area Limitations for Various Uses: Within the PRD, the following percentages of the total gross land area shall be devoted to specified uses as indicated herewith:

A maximum of fifty percent (50%) of gross acreage for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private yard areas and courts which abut and service primarily residences or groups of residences:

A minimum of fifty percent (50%) of gross acreage for open space uses. Open space shall not include space devoted to streets and parking. Open space uses may be any combination or single use listed below:

- Timber management and forestry
- Agriculture
- Equestrian activities by community residents
- Scenic areas and vistas
- Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits
- Developed parklands
- Other open space uses, including innovative stormwater management may be accepted by the Township, if approved prior to submission of alternative plan and such uses do not entail residential or commercial use.

Unless within the R-1 District, all open space areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. Means for appropriate permanent dedication or deed covenants to prevent its development shall be required prior to approval. Unless developed parklands, playgrounds, or a central green surrounded by streets or lots, no tract of open space shall be less than five (5) contiguous acres. Open space areas in R-1 may be privately owned if accompanied by a conservation easement to prevent further development.

A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas and communally owned facilities. No such instrument shall be acceptable until approved by the Township Solicitor as to legal form and effect, and the Board of Supervisors as to suitability for the proposed use of the open areas.

In cases where the Township will not be accepting dedications of streets, recreation areas or open spaces to be used for general recreation, the landowner shall provide for an organization or trust for ownership and maintenance.

If the common open space is deeded to a homes' association or a nonprofit corporation established on a membership basis, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. If there is a homeowners' association under the Unit Property Act, the developer must file a declaration of rule and regulations. The provisions shall include, but not be limited to, the following:

The homeowners' association or nonprofit corporation must be set up before the homes are sold;

Membership must be mandatory for each homebuyer and any successive owner;

The open space restrictions must be permanent, not just for a period of years;

The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;

Homeowners must pay their pro-rata share of the cost. The assessment levied by the association can become a lien on the property.

The association must be able to adjust the assessment to meet changed needs.

The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, and the Township may, but need not, require, as a condition of the approval of a Planned Residential Development, that land proposed to be set aside for common open space be dedicated or made available to public use.

#### **1708 MAINTENANCE OF OPEN SPACE BY TOWNSHIP**

In the event that the organization established to own and maintain common space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof shall not be corrected within said thirty (30) days or an extension thereof, the Township in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space, and maintain the same for a period of one (1) year.

Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Township Supervisors, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township Supervisors shall determine that such organization is not ready and able to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The

Township at the time of entering upon said common space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

**1709 PERMITTED USES**

Land and buildings may be used for the following purposes:

Single-family (detached dwelling units)

Multifamily dwelling units of a duplex, triplex, quadriplex or townhouse design and configuration (Pursuant to limitations upon dwelling units per building)

Schools, public and private, if state-accredited

Churches and other places of worship

Non-commercial community centers or recreation structures

Licensed nursing homes or personal care homes provided that all normal lot yard height and coverage standards, as well as any special conditions otherwise applicable for such structures under the Township zoning ordinance can be complied with. Such facilities shall not exceed a ratio of one (1) bed per each dwelling unit.

Accessory retail dining and service facilities may be permitted by specific approval of the Board of Supervisors. At least eighty percent (80%) of the total planned dwelling units of the total project must be physically constructed prior to any nonresidential use construction.

No PRD shall be approved unless it is consistent with the purposes of the regulations as stated in 1601 of this Section. Each PRD shall be planned as an entity, and such planning shall include a unified site plan, consideration of land uses and usable open spaces, site-related vehicular and pedestrian circulation systems, and preservation of significant natural features. The plan may consider a multiplicity of housing types.

**1710 CIRCULATION AND PARKING**

Vehicular access within the PRD shall be designed to permit smooth traffic flow with minimum hazard to vehicular or pedestrian traffic.

A pedestrian and bicycle circulation system shall be established to serve all elements within the development. The pedestrian and bicycle circulation system shall be reasonably segregated from vehicular traffic to provide separation of vehicular and pedestrian movement.

Streets in a PRD may be dedicated to public use or may be retained under private ownership and shall conform to the Subdivision and Land Development Ordinance and public and private improvements code.

Parking for all uses or mixtures of uses shall conform to applicable sections of the Harborcreek Township Zoning ordinance, Subdivision and Land Development Ordinance and public and private improvements code.

**1711 LANDSCAPING**

A general landscaping plan shall be required at the time of the original submission to be followed by a detailed landscaping plan prior to final approvals. The detailed plan shall show the spacing, sizes and specific types of landscaping materials.

Existing trees shall be preserved whenever possible. At least fifty percent (50%) of all trees of minimum size of fifteen (15) inches diameter at breast height (DBH) shall be preserved in the course of development. The

location of trees shall be considered when planning the site elements such as open spaces, building location, walks, paved areas, playgrounds, parking, circulation systems and finished grade levels.

A grading plan and an erosion and sedimentation plan shall be provided prior to any construction or site development activity which will confine excavation, earth moving procedures, and other changes to the landscape in order to ensure preservation and prevent despoliation of the character of the project site.

All manufactured slopes shall be planted or protected from erosion and shall be of a character to blend with surrounding terrain.

Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be established in a manner which will protect residential character within the PRD District and in any adjoining district.

Within a PRD, all utilities including telephone, television cable and electrical systems shall be installed underground, provided, however, appurtenances to these systems which require on-grade installation must be effectively screened.

## **SIGNS**

All sign internal installations and lighting of signs shall meet the standards for signs established for Residential Districts by this Ordinance.

Plans shall indicate the location, size and character of any sign within the PRD intended to be seen from public ways outside the district.

No more than two (2) sign surfaces, each with surface area not exceeding twenty (20) square feet, shall be permitted at any principal entrance to the district.

## **WASTE DISPOSAL**

Adequate provision shall be provided for garbage and trash removal.

## **1712 PRD PLAN SUBMISSION AND APPROVAL**

Planned Residential Developments shall be reviewed in three separate stages: Conditional Use, Tentative Plan, and Final Plan. The previous phase must be approved before the next phase may be sought.

### **APPLICATION FOR CONDITIONAL USE APPROVAL**

Conditional use submission and approval must precede submission of a tentative plan. The conditional use approval stage is meant to approve a concept or sketch plan, without significant engineering or design costs on the part of the applicant. Conditional use approval will grant the applicant the right to submit a tentative plan that conforms to the concepts approved, especially with regards to the number and configuration of housing, and the amount and types of open space. Application and review shall follow standard processes for other conditional uses.

### **SKETCH PLAN REQUIREMENTS FOR CONDITIONAL USE APPROVAL**

#### **1. Site Context Map**

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than 1" = 200', and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of one hundred (100) acres or more, the scale shall be 1" = 400', and shall show the above relationships within two thousand (2,000) feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish and

Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under agricultural or conservation easements.

## 2. Existing Resources and Site Analysis Plan

- a. A vertical aerial photograph enlarged to a scale not less detailed than 1" = 400', with the site boundaries clearly marked.
- b. Topography, the contour lines interpolated from U.S.G.S. published maps. Slopes over fifteen percent (15%) shall be clearly indicated.
- c. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Township Zoning Ordinance, Comprehensive Plan, or the Floodplain Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- d. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old fields, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen (15) inches DBH, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- e. If on-lot or nonpublic community sewer systems are proposed, Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the Erie County, and accompanying data published for each soil relating to its suitability for construction and for septic system suitability.
- f. Ridgelines and watershed boundaries shall be identified.
- g. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- h. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- i. All existing man-made features including but not limited to public roads, driveways, farm roads, other roads, buildings, foundations, walls, wells, drainage (septic) fields, dumps, utilities, waterlines, fire hydrants, and storm and sanitary sewers.
- j. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- k. All easements and other encumbrances of property, which are or have been filed of record with the Recorder of Deeds of Erie County shall be shown on the plan.
- l. Total acreage of the tract.

All Conceptual Plans shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, streets and lot lines, as described below.

- a. Step 1: Delineation of Greenway Lands

- 1) The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Conceptual Preliminary Plan in accordance with the provisions of this Ordinance
- 2) Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying The Township's Map of Conservation Considerations and its Comprehensive Plan shall also be referenced and considered. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over fifteen percent (15%).
- 3) In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed Greenway, in consultation with the Planning Commission and in accordance with comprehensive plan priorities.
- 4) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

b. Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

c. Step 3: Alignment of Streets and Trails

Upon designating the house sites, a sketch street plan shall be designed to provide vehicular access to each house, bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding fifteen percent (15%). Street connections shall generally be encouraged to eliminate new cul-de-sacs to be maintained by the Township and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

d. Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, a sketch of any proposed new lot lines should be drawn as required to delineate the boundaries of individual residential lots. These need not include bearings and distances.

Applicants shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process, to the Planning Commission and the Board of Supervisors.

### **1713 APPLICATION FOR TENTATIVE PLAN APPROVAL**

An application for tentative approval of the development plan for a Planned Residential Development shall be filed by or on behalf of the landowner.

The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee as is specified by the Township. The application shall be filed with the Zoning Officer.

All planning, zoning, and subdivision matters relating to the platting, use, and development of the Planned Residential Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Board of Township Supervisors with the advice of the Planning Commission.

Tentative Plan Requirements

Name of proposed planned residential development

North point

Graphic scale and legend describing all symbols shown on the plan

Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.

Name and address of the owner and deed book and page numbers of the deeds conveying the property to the owner. Name of the developer and their billing address (if different).

Name, address and seal of the individual or firm preparing the plan

Names of abutting property owners, tax parcel numbers, and their deed book and page numbers

Key map showing the location of proposed planned residential development and all roads within five thousand (5,000) feet there from

Erie County tax parcel numbers of all parcels included in the planned residential development

A Certification of Ownership and Plan Acknowledgment Signature Block

An Offer of Dedication Signature Block

Township Approval Signature Block

Recorder of Deeds Signature Block

Existing Features per the Conditional Use approval phase, updated as necessary

Perimeter boundaries of the total property showing bearings to the nearest minute and distances to the nearest hundredth of a foot

Total acreage of the property and total square feet within each lot of the development

Primary and secondary conservation areas as identified during the conditional use phase.

Existing features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including right-of-way and cartway widths and approximate grades, development of abutting properties, including local and types of uses

Land under current agricultural uses, including cultivated fields, orchards, pastures and similar uses

**1714 PROPOSED DEVELOPMENT**

The planned residential development is envisioned as an area in which an integrated development will occur which incorporates a variety of residential and related uses permitted within the conditional use. The respective

areas of the Master Plan devoted to specific residential, commercial and institutional uses should be shown and within each area, the following should be included.

The appropriate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet). scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.

A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.

A general grading plan showing any major alterations to the topography of the site.

The approximate location and area of proposed common or dedicated greenways, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes.

A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase.

The total area devoted to each use, the number of residential units, the percentage of each type of use and the total floor area in the development and in each phase.

The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development and each phase or section.

The total area devoted to planned recreational or open space use throughout the entire development and in each phase.

The calculations of impervious surface in the development and in each phase.

The following information should be included with a narrative statement submitted with the Master Plan:

A statement of the ownership of all of the land included within the Master Plan.

An explanation of the design pattern of the planned residential development

A statement describing any proposed innovative design concepts included in the plan.

The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.

A description of the form of organization proposed to own and maintain the common open space, recreational facilities or other common facilities.

A statement of the proposed use and improvement of common open space and recreational facilities, and prime or active farmlands.

A description of proposals to preserve natural features and existing patterns and detention pond areas. The plan should include preliminary pond sizing calculations.

## **1715 DEVELOPMENT SCHEDULE**

When it is anticipated that development pursuant to an approved Master Plan will occur in phases over a period of years, the following shall be included with the application for master plan approval:

The phases in which the land development will be submitted for final land development approval and the approximate date when each phase will be submitted for final plan approval.

The approximate date when each phase will be completed.

Any phase of development pursuant to an approved Master Plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.

If development pursuant to a Master Plan is to be done in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall be in general proportion to residential and non-residential density requirements.

The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the municipality.

The application for tentative approval shall be forwarded to the Harborcreek Township Planning Commission and Erie County Department of Planning for their review and comments.

### **1716 PUBLIC HEARINGS**

Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the Township Supervisors (or Planning Commission if designated) in the manner prescribed in the Pennsylvania Municipalities Planning Code.

The Board of Township Supervisors may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

### **1717 THE FINDINGS**

The governing body, within sixty (60) days following the conclusion of the public hearing provided for in this part or within one hundred eighty (180) days of the filing of the application, shall, by official written communication, to the landowner, either:

Grant tentative approval of the development plan as submitted;

Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township notify such governing body of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of Harborcreek Township;

The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reason why such departures are or are not deemed to be in the public interest;

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

The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment.

The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and

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

In the event a development plan is granted tentative approval, with or without conditions, the Township may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than twelve (12) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

#### **1718 STATUS OF PLAN AFTER TENTATIVE APPROVAL**

The official written communication provided for in this part shall be certified by the Township Secretary and shall be filed in the Township office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

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

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

#### **1719 APPLICATION FOR FINAL APPROVAL**

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township zoning

officer within one (1) year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond, and such other requirements as may be specified by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the zoning officer and the Planning Commission for compliance prior to being forwarded to the governing body.

In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, by the Township shall, within forty-five (45) days from the date of the regular meeting of the planning commission next following the date the application is filed, grant such development plan final approval. Provided however that should the next regular meeting occur more than 30 days following the filing of the application, the 45 day period shall be measured from the 30<sup>th</sup> day following the date the application has been filed.

In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township may refuse to grant final approval and shall, within forty-five (45) days from the date of the regular meeting of the planning commission next following the date the application is filed for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided however that should the next regular meeting occur more than 30 days following the filing of the application, the 45 day period shall be measured from the 30<sup>th</sup> day following the date the application has been filed.

In the event of such refusal, the landowner may either:

Re-file his application for final approval without the variations objected, or

File a written request with the approving body that it holds a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after the landowner makes request for the hearing, and the hearing shall be conducted in the manner prescribed in this part for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance. Failure of the governing body to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time of change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time of change in a manner or presentation of communication shall have like effect.

A development plan, or any part thereof, which has been given final approval, shall be so certified without delay by the Township and shall be filed of record forthwith in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof,

as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pa. Municipalities Planning Code, and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.

In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Township in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of any amendment to the Zoning Ordinance in the manner prescribed for such amendments.

#### **1720 ENFORCEMENT**

All enforcement procedures under this section shall be consistent with Section 712.2 of the Pennsylvania Municipalities Planning Code and Article 23 of the Harborcreek Township Zoning Ordinance.

ARTICLE XVIII

CONDITIONAL USES

SECTION 1801 POWERS AND DUTIES

The Board of Supervisors shall hear and decide all requests for Conditional Uses in those cases where this Ordinance indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed and a finding by the Board that said use is consistent with the purpose of this Ordinance and the Harborcreek Township Comprehensive Plan. In granting a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

SECTION 1802 PROCEDURES

- A. The landowner shall file a request for the granting of a Conditional Use along with all maps, plans, and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the Board of Supervisors, and shall be filed in triplicate.
- B. The Board of Supervisors shall transmit one copy of the request as well as all documentation to the Township Planning Commission for recommendations
- C. The Board of Supervisors shall schedule and hold a public hearing with public notice within such time periods as authorized by the Pa Municipalities Planning Code
- D. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the zoning ordinance or the Pa Municipalities Planning Code
- E. The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body, or such time as permitted by the Pa Municipalities Planning Code, as may be amended.
- F. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

SECTION 1803 SPECIFIC CONDITIONS FOR CONDITIONAL USES

- A. Home occupations as defined in this Ordinance may be conducted where permitted in accordance with the following conditions:
  - 1. The home occupation shall be conducted solely by members of the immediate family that reside in the dwelling unit except that one (1) non-resident may be employed.
  - 2. There shall be no exterior evidence of the conduct of a home occupation except for permitted signs. This shall include no exterior storage of rubbish, junk or materials that may be generated by the home occupation. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in manner which would cause the

premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, odors and vibrations.

3. Not more than twenty-five percent (25%) of the primary dwelling unit shall be devoted to home occupations.
  4. The home occupation shall be conducted solely within the primary dwelling unit and not within detached accessory structures.
  5. The home occupation shall not involve the use of commercial vehicles over two (2) tons for delivery of materials to and from the premises. The intent is to permit delivery vehicles such as United Parcel Service vehicles but to exclude tractor-trailers and other large commercial vehicles.
  6. The use shall not generate noise, dust, fumes, odors, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance beyond that which normally occurs in an average residential dwelling, within the same zoning district, where no home occupation exists. With respect to electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
  7. No home occupation shall cause an increase in the use of one or more utilities (water, sewer or refuse disposal) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
  8. Any persons patronizing the home occupation shall be provided with suitable off-street parking facilities located on the property of the home occupation.
  9. Examples of Uses That Are Prohibited: The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations: auto repair, minor and major; barber or beauty shops; sheet metal work; dance instruction; individual instruction for brass, wind, percussion or electrically amplified instruments; painting of vehicles, trailers or boats; private schools with organized classes; radio and television repair, *retail and wholesale activity. (Ordinance 84-102-59)*
- B. Medical and Dental Services: Medical and dental offices are permitted conditional uses in the R-1, R-2, and R-3 residential districts in accordance with the following conditions:
1. Minimum lot requirements:
    - a. Minimum frontage (lot width)--75 feet.
    - b. Minimum front yard setback--50 feet (for a new building).
    - c. Minimum side yard--10 feet each side.
    - d. Minimum rear yard--35 feet.
  2. Maximum building size: total usable area cannot exceed 3500 square feet. Usable area includes the space within the building needed to conduct the proposed use, including corridors, entranceways, closets and other storage areas directly related to the permitted use (crawl spaces and attics are excluded).
  3. Off-street parking - shall comply with Article XX.
- C. Auto Wrecking, Salvage, Junk and Scrap Metal Establishments or Storage Areas -- see Article XIX.

- D. Nursing Homes: Nursing homes are permitted as conditional uses where specified and in accordance with the following requirements:
1. The minimum lot size in residential districts shall be 40,000 square feet with a minimum lot width of 200 feet.
  2. The architectural character (design) of the structure is in keeping with the general residential character of the neighborhood where the nursing home is to be located.
  3. Off-street parking space for visitors shall be provided on the ratio of one space for every three beds plus additional spaces for administrative personnel, doctors and other regular employees. One space shall be provided for each employee based on the largest shift.
  4. The illumination of parking areas, driveways and buildings and the display of signs shall be placed in a manner that minimizes any disturbance to the general residential character of the neighborhood.
  5. The owner/developer of a proposed nursing home shall furnish a detailed site plan for the facility showing the location of all buildings, parking areas and driveways, signs, elevations of all buildings etc. to the Zoning Officer as part of the application requirement. The site plan shall be prepared by a registered, professional architect or engineer.

**E. RESERVED**

- F. Airports: Airports including public, private use and personal facilities are permitted as a conditional use where specified and in accordance with the following requirements. Airports shall include heliports and seaplane bases.
1. The application for a conditional use for an airport shall include the following minimum information:
    - a. Approval from the Bureau of Aviation, Pennsylvania Department of Transportation (PennDOT) attesting to the safety and adequacy of the proposed facility and that said facility has been inspected by the Bureau and that it complies with all applicable regulations. The Bureau is the licensing and certifying agency for the Commonwealth of Pennsylvania.
    - b. Approval from the Federal Aviation Administration (FAA) certifying that the proposed facility does not violate or conflict federal air space per Part 157 of the Federal Air Regulations as amended, as well as any other clearances and/or approvals that may be required by the FAA.
    - c. A detailed site plan for the proposed facility drawn to an appropriate scale by a registered architect or engineer showing the location of all runways, taxiways, hangars, other structures, take-off and landing zones, airport hazard areas, landing lights, wind indicators, etc.
  2. In addition, personal and private use airports shall be for the benefit of those persons owning and/or living on the immediate premises and subject to the following conditions:
    - a. There shall be no sales of fuel or other aviation services (repair, storage of other aircraft, etc.) including the sale of aircraft and/or related parts or service for transient aircraft.
    - b. Providing flying lessons or conducting a flight school shall not be a permitted operation or service.
    - c. No more than three (3) personal aircraft shall be based on the facility.

3. In addition, airports shall be in conformance with the requirements of the Harborcreek Township Airport Hazard Ordinance.

G. Fire Stations: Fire stations are permitted as conditional uses where specified and in accordance with the following requirements:

1. Minimum site size -- 80,000 square feet; minimum width --200 feet.
2. The building(s) shall be compatible both in design and function with the general character of the area in which it is proposed to be located.
3. A detailed site plan shall be prepared showing the location of all buildings, parking areas, driveways, lighting, signs building elevations, etc.
4. Sufficient off-street parking area shall be provided to accommodate fund raising and social activities which may be held within the building(s). Examples of such activities include but are not limited to: fund raising events...bingo games, carnivals, dinners, etc.; social activities...wedding receptions, banquets, private parties, etc. Off-street parking standards shall be applied to the area that would be available for such events and activities (i.e., the floor area of truck bays) plus sufficient space for workers who are holding the event.
5. The illumination of buildings, parking areas, driveways, etc., shall be placed or directed to prevent glare from spilling over to adjacent properties and to minimize any disturbance or inconvenience to the general residential character of the neighborhood.

H. Mineral Extraction Operations: Mineral extraction or mining operations including coal, limestone, sand, gravel and other open-pit surface mining activities are permitted as a conditional use where the governing body finds, after a public hearing, that such use will not create hazardous conditions to adjacent properties and will otherwise meet the following conditions:

1. General provisions:
  - a. Prior to the issuance of a zoning permit, the owner/operator of a mining operation shall file with the Zoning Officer a copy of all approved clearances, permits, plans and/or other documents required by the Pennsylvania Department of Environmental Protection per the Surface Mining and Reclamation Act (Act 418, P.L. 1198 as amended).
  - b. In no case shall any operation on the site impede the flow of natural watercourses.
  - c. All operations shall be conducted in a manner which will not allow water to collect and/or create a stagnant water condition except that storm water retention facilities are permitted.
2. General Setback Requirements: The following are considered the minimum acceptable setback distances from existing structures, roadways, etc. and as prescribed by Act 418 as amended; and no operator shall conduct a surface mining operation within these setbacks. However, PADEP may require a greater setback or grant a variance for a lesser distance.
  - a. Public roadways and railroads--100 feet from the existing right-of-way line.
  - b. Occupied dwellings--300 feet unless this distance is waived by the owner thereof.
  - c. Public buildings and parks, schools, churches and other community or institutional buildings--300 feet.
  - d. Railroads--100 feet from the existing railroad right-of-way.

- e. Cemeteries--100 feet from the property line(s) of the cemetery.
  - f. Existing streams--100 feet from the present stream bank.
  - g. No stockpiles, spoil piles, refuse material, plant facilities and processing and/or mining equipment shall be located within fifty (50) feet of an existing property line where the adjacent property is not owned or leased by the operator or unless the adjacent owner waives the aforementioned setback.
  - h. Irrespective of the above setback requirements for items 2 and 3, twenty-five (25) foot setback shall be maintained from all property lines where such structures are involved and the adjacent property(ies) are not owned by the operator. The purpose of this provision is to prevent mining up to a property line in situations where such mining could take place without violating the 300 foot setback requirement for existing structures; i.e., a structure could be located 350 feet from its property line which could allow the operator to mine up to the property line and still be within the required 300 foot setback distance.
- I. Race Tracks: Race tracks (auto, horse, dog) are permitted as a conditional use where specified and subject to the following requirements:
- 1. No race track shall be located closer than 500 feet to any residence.
  - 2. A fence not less than eight (8) feet in height shall be erected around the racing facility, i.e., the race track, pit and/or stable areas, grandstand, but excluding parking areas and access roads.
  - 3. The owner or developer of a race track shall prepare a detailed site plan showing the complete property, all parking areas and driveways and access roads, proposed structures, the race track and related service and/or support facilities.
  - 4. The surface of the track shall be maintained in a dust free condition insofar as it is possible and in keeping with the proposed use.
  - 5. Sufficient parking areas shall be provided for spectators and participants; and their crews parking areas and access roads shall be maintained in a dust free condition insofar as it is possible. Also, these areas shall be maintained so as to prevent the accumulation of litter, refuse, etc. A parking space ratio of one space for every three spectator seats, plus one space for each employee and two spaces for each racing team.
- J. Research Laboratories are permitted as conditional uses where specified and subject to the following requirements:
- 1. The minimum lot size shall be 40,000 square feet and the minimum lot width shall be 200 feet.
  - 2. The owner/developer shall provide a detailed site plan prepared by a registered architect or engineer showing the location of all adjacent uses within 200 feet of the proposed property, the location of all buildings and/or structure, parking areas and access roads of driveways.
- K. Outdoor Recreation Facilities are permitted as conditional uses where specified and subject to the following requirements:
- 1. The minimum site size shall be 40,000 square feet and the minimum lot width shall be 200 feet.
  - 2. The owner/developer shall prepare a detailed site plan showing the location of all proposed structures, the location and orientation of all recreation areas, facilities and related uses, the location of all parking areas and driveways, the location of all signs and lighting. Said plan shall be prepared by a registered architect, landscape architect or engineer.
  - 3. All outdoor lighting shall be directed away from abutting residential properties.

4. All parking areas, driveways and grounds shall be so maintained as to be free of litter and rubbish.
5. No structures and/or recreation areas shall be located within fifty (50) feet of adjacent property lines.
6. The general operation of the facility shall be conducted in such a manner that it does not detract from the general character of the area where it is located nor shall it constitute a general nuisance to the area.

L. Wholesale Operations and Distribution Facilities are permitted as conditional uses where specified and subject to the following requirements:

1. The minimum site size shall be 40,000 square feet and the minimum lot width shall be 200 feet.
2. The owner/developer shall prepare a detailed site plan showing the location of all buildings, structures, parking areas and driveways, signs and outdoor lighting. The plan shall include elevations of all proposed buildings.
3. All parking and landscaped areas shall be maintained free of litter and rubbish.
4. Outdoor lighting shall be directed away from adjacent properties.
5. Sufficient parking and loading areas shall be provided per Article XX.

M. Batch or Mixing Plants for Asphalt, Cement, Concrete, or Other Building or Chemical Products are permitted as conditional uses and subject to the following requirements:

1. The minimum site size shall be 80,000 square feet and the minimum lot width shall be 200 feet.
2. The owner/developer shall prepare a detailed site plan showing the location of all structures; storage or stockpile areas; parking, loading and access roads; and other related facilities.
3. Such facilities shall meet the performance standards described in Article XIII.
4. Such facilities shall also conform to all applicable state and/or federal air pollution regulations.

N. Sawmills, either temporary or permanent, are permitted as conditional uses subject to the following requirements:

1. The maximum number of employees at the sawmill operation shall be limited to four (4) persons including the owner.
2. Hours of operation shall be limited to the hours between 7:00 AM and 7:00 PM and from Monday through Saturday.
3. Access roads or driveways shall be located so as to minimize possible vehicle conflicts due to large trucks entering and leaving the site.
4. A site plan showing the location of the sawmill, lumber/timber stockpile areas and all driveways or access roads shall be provided. The plan shall be legibly prepared at a suitable scale of 1" = 400' or greater.

O. Retail and Eating and Drinking places of no greater than 10,000 sq ft gfa are a conditional use in the LF Lakefront District, subject to the following conditions.

1. The Developer shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the Neighborhood. This sketch plan shall show consistency with any design manual adopted by the Township and the overall design standards of this district.
  2. Must be located upon a public road or street
  3. Freestanding signs shall be limited to One (1) sign of no more than 16 square feet or less for each yard fronting a public street.
  4. No Drive through facilities shall be permitted.
  5. The Township may limit the hours of operation as a reasonable additional condition and safeguard.
  6. The developer shall show that parking requirements can be met on lot.
  7. Approval of a conditional use sketch plan does not constitute a land development plan approval under the Township Subdivision And Land Development Ordinance At the time of land development submission the developer shall meet all applicable standards of that ordinance.
- P. Adult Entertainment Establishments are subject to the following requirements: (Ordinance 84-102-12)
1. Purpose and legislative intent:
    - a. The location of adult entertainment establishments is of vital concern to the Board of Supervisors of the Township of Harborcreek especially when the location is in areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation.
    - b. The Supervisors specifically find that these businesses tend to cluster or concentrate in certain areas. Regulations are necessary to prevent this clustering and concentrating in any one area so as not to contribute to the downgrading of the surrounding neighborhood.
    - c. It is the intent of the Board of Supervisors in enacting these regulations relative to adult entertainment establishments to exercise that power which has been granted to them. The Supervisors do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Harborcreek Township.
  2. Definitions:

It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be constructed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article IV:

    - a. For the purpose of this Article, "adult entertainment establishments" are defined as follows:
      - i. "Adult bookstore" means any establishment which has a substantial or significant portion of its stock in trade: books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of

specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

- ii. "Adult cabaret" means a nightclub, theater, bar or other establishment which feature live or media representations or performances by topless or bottomless dances, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- iii. "Adult mini motion picture theater" means an enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified anatomical areas.
- iv. "Adult model studio" means any place where, for any form or consideration or gratuity, feature models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
- v. "Adult motel" means a motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis or depiction or descriptions of specified sexual activities or specified anatomical areas.
- vi. "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to give 95 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- vii. "Adult motion picture theater" means an enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- viii. "Adult newsrack" means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
- ix. "Adult theater" means a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- x. "Bath house" means an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy

during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

- xi. "Body painting studio" means any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
  - xii. "Massage establishment" means an establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
  - xiii. "Outcall service activity" means an establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
  - xiv. "Sexual encounter center" means any business, agency or person who, for any form of consideration of gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner as defined in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy.
  - xv. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
  - xvi. "Bottle club" means a place of assembly owned, maintained or leased for pecuniary gain in which no intoxicating liquors are sold, but where patrons are permitted to bring intoxicating liquors upon the premises for their own use and consumption.
- b. "Specified anatomical areas: as used herein shall mean and include any of the following:
- i. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
  - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- c. "Specified sexual activities" includes the following:
- i. Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation or unclothed genitals, flagellation or torture in the context of a sexual relationship, and any of the

following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piguerism, sapphism, zooerastia, or

- ii. Clearly depicted human genitals in a state of sexual stimulation arousal or tumescence; or
- iii. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
- iv. Fondling or touching of nude human genitals, public region, buttocks or female breasts; or
- v. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- vi. Erotic or lewd touching, fondling or other contact with an animal or by human being; or
- vii. Human excretion, urination, menstruation, vaginal or anal irrigation.

3. Minimum spacing and proximity requirements:

- a. No adult entertainment shall be located within 1,000 feet of any other adult entertainment establishment.
- b. No adult entertainment shall be located within specified distances or certain land uses as set forth below:
  - i. No such establishments shall be located within 400 feet of a residential district.
  - ii. No such establishment shall be located within 500 feet of any parcel of land which contains any one or more of the following specified land uses:
    - (a) Amusement park
    - (b) Camp (for minors' activities)
    - (c) Child care facility
    - (d) Church or other similar religious facility
    - (e) Community center
    - (f) Museum
    - (g) Park
    - (h) Playground
    - (i) School and school bus stops
    - (j) Other lands where minors congregate
- c. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.

4. Visibility from the street:

No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

Q. Bed & Breakfast Homestay are subject to the following conditions: (Ordinance 84-102-13)

1. Lot size 20,000 sq. ft. per guest bedroom.
2. Maximum of 6 guest bedrooms.
3. No more than 2 adults and 2 children per bedroom.
4. Minimum of 1 full bath per every 6 guests.
5. Guest rooms must be located in the primary dwelling unit and not in accessory structures.
6. No more than 40% of the primary dwelling can be devoted to the B & B (guest bedrooms and baths).
7. If not served by public sewer and water, use must be approved by the Erie County Health Department.
8. There shall be no changes to the external appearance of the building other than normal upkeep.
9. No more than (1) one employee outside of the resident family.
10. No cooking facilities within the guest rooms.
11. No guest can stay more than (7) seven consecutive overnights.
12. Breakfast is the only meal served and to overnight guests only.
13. Signs shall be regulated as home occupation -- see Article XXI.
14. Parking requirements:
  - a. (1) one space per guest room plus (2) two for primary use.
  - b. Parking cannot extend into setback areas or in front of primary dwelling.
  - c. Parking areas located to the side and rear of the structure must be screened from the adjacent properties by a minimum five foot high wood fence and/or by sign obscuring vegetation of the same height.
15. The architectural integrity and arrangement of the existing interior spaces must be maintained and the number of guest rooms shall not be increased, except as may be required to meet health, safety and sanitation requirements.
16. A minimum of one inspection per year shall be performed by the Zoning Officer to assure compliance with all conditions.

R. Heliports and Helistops are subject to the following conditions: (Ordinance 84-102-32)

1. Heliports and/or Helistops shall comply with the rules and regulations, inspections and licensing procedures of the Bureau of Aviation of the Pennsylvania Department of Transportation and any approvals and clearances that may be required by the Federal Aviation Administration (FAA), and be in conformance with the requirements of the Harborcreek Township Airport Hazard Ordinance.
2. Minimum landing areas:
  - a. The minimum tract size for heliports and/or helistops shall be of sufficient size to meet the following requirements:

- i. Minimum size of the landing area shall be 200 feet square or a circle with a diameter of 200 ft.
    - ii. The landing pad shall be a minimum size of 60 feet square and have a hard surface area of 2 times the rotor diameter.
  - b. The site shall be approachable from at least two sides and provide sufficient clearance as to allow take-offs and landings from the outer limits of the touch down pad at an 8:1 ratio. The approach lanes for these landing facilities shall be considered or defined as an 8:1 incline plane in the direction of the designated approach and departure flight paths which shall be 200 ft. in width and shall extend outward 500 ft. from the outer edge of the landing pad.
  - c. A site located adjacent to a body of water shall have a rowboat available at the site to aid possible rescue operations.
  - d. A wind direction indicator shall be provided at the site and in the case of night operation, the navigation facility shall be lighted.

3. Permits:

- a. A zoning permit for a heliport or helistop shall be issued by the Zoning Officer when the following conditions are met:
  - i. License/Permit has been issued by the Bureau of Aviation of the Pennsylvania Department of Transportation.
  - ii. Approvals from the Federal Aviation Administration (FAA).
- b. A zoning permit may be revoked when any of the above licenses, permits or approvals has been revoked by the issuing agency.
- c. A zoning permit shall not be required to take off or land a helicopter in the following cases:
  - i. In conjunction with a special event such as an athletic contest, holiday celebration, parade or similar activity after advance notice has been given to the Township of the intention to do so.
  - ii. When necessary for law enforcement purposes and emergencies.

S. Emergency Response Facilities (ERF) are subject to the following conditions:

- 1. ERF's which include a Heliport or Helistop shall comply with all provisions within Article XVIII for heliports and helistops.
- 2. ERF's which include a fire station shall comply with all provisions within Article XVIII for fire stations.

T. Essential Service Structure.

- 1. All structures 45 feet high or less shall maintain the following minimum setbacks:
  - a. Front setback                      50 feet (water towers        100 Feet)
  - b. Side setback                        20 feet
  - c. Rear setback                         20 feet

2. All structures over 45 feet high shall maintain the following minimum setbacks:
  - a. Front setback                      50 feet plus the height of the structure (water towers a minimum of 100 feet)
  - b. Side setback                        20 feet
  - c. Rear setback                        20 feet
3. Maximum height is 200 feet.
4. Maximum lot coverage is 40%.
5. There shall be no exterior light other than what is required by the FAA.
6. There shall be not commercial advertising on the structure.
7. There shall be no outside storage of equipment or vehicles.
8. If the location requires fencing for security purposes, the fence shall be a minimum of 8 feet high.
9. The access driveway shall be a minimum of 12 feet wide and covered with a paved surface.
10. Owner shall submit a complete site plan indicating all of the above.

U Retail and eating and drinking places of greater than 5000 square feet of gross floor area are subject to the following conditions

The Developer shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the Neighborhood. This sketch plan shall show consistency with any design manual adopted by the Township and the overall design standards of this district.

Freestanding signs shall be limited to One (1) sign of no more than 16 square feet or less for each yard fronting a public street.

Drive through facilities shall be permitted as an accessory to commercial uses provided:

1. All drive-through entrances shall be designed to minimize conflict with the pedestrian customers of the business. The portion of any drive-through land abutting a building may not intersect with a pedestrian building entrance.
2. A solid wall of at least twenty-four (24) inches in height shall be emplaced along all parking and drive-through lanes that abut a sidewalk.
3. Under no circumstances shall any public street serve as a drive-through lane.
4. All drive-through lanes shall have a capacity to stack at least six (6) cars waiting for service.

New commercial buildings shall not contain more than 20,000 square feet, (above grade) and those with more than 15,000 square feet of floor space (above grade) shall be of two-story construction.

Buildings in any existing commercial area shall generally be located close together with minimal-side yard areas, in order to form a fairly continuous row of shop fronts.

The Township may limit the hours of operation as a reasonable additional condition and safeguard.

The developer shall show that parking requirements can be met on lot or through sufficient on-street parking within 300 feet of the proposed development.

All commercial parking areas shall be either located in rear yard areas, or designed as traditional downtown on-street parking (parallel or angle) No single off-street parking area may exceed 10,000 square feet.

Approval of a conditional use sketch plan does not constitute a land development plan approval under the Township Subdivision And Land Development Ordinance At the time of land development submission the developer shall meet all applicable standards of that ordinance.

All standards of for development under Section 1005 shall be met.

V. Specialized Animal Raising and Care shall be permitted where specified and subject to the following requirements:

1. The minimum lot size shall be 5 acres and the minimum lot width shall be 200 feet.
2. There shall be no stables, barns, pens, kennels, etc. located within fifty (50) feet of adjacent property lines.
2. The owner/developer shall prepare a detailed site plan for the proposed facility and the property on which it will be located. The plan shall show the location of all structures, pastures, pens, kennels, etc., as well as any living quarters.

W. Flea Markets: To conform to conditional use standards, all flea markets shall meet the following standards:

- A. The operator of the flea market shall either be the property owner, or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls.
- C. The operator shall have a contract with an approved waste hauler, and a minimum of one (1) fifty- (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers.

X Agricultural Processing Industries and Warehousing : The intent of this conditional use is to allow for business that build the local agricultural economy without creating industrial impacts upon neighboring uses. The conditional use shall be subject to the following:

The applicant shall detail all processes used and any potential noise or odor impacts

No more than ten (10) employees shall be involved in processing or retail operations

No retail area or showroom shall be greater than 10,000 square feet

Hours of operation shall not exceed 9:00pm for any on-site retail sales.

Y Motel or Hotel is a conditional use in the LF Lakefront District, provided the following standards are met.

1. The Developer shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the Neighborhood. This sketch plan shall show consistency with any design manual adopted by the Township and the overall design standards of this district.
2. No portion of a building used for a motel shall be within 200 feet of a pre-existing single family dwelling

**Z Commercial Marina** Marinas as a conditional use in the LF Lakefront District may include facilities for storing, fueling, and servicing recreational boats, and may also include eating, sleeping and retail facilities for owners, guests, and crews.

1. Main access to all commercial and retail facilities shall be from the water. All parking vehicular parking areas, shall be incidental
2. No portion of the marina facility may be within 200 feet of a pre-existing single family dwelling. All areas that abut residential uses shall be screened with a vegetative barrier of natural or planted materials.
3. All outdoor storage yards shall be screened with an opaque wooden or vinyl fence of at least six feet in height

**AA Senior Citizen Housing** in the LF Lakefront District are a conditional use for the expressed purpose of meeting the community needs of affordable housing for persons age 55 or over by meeting the following standards.

The developer will certify that all residents will be age 55 or over as defined.

The minimum lot size shall be 5 acres.

The maximum density of development shall be 16 dwelling units per acre.

No such multiple family dwelling shall be located within 100 feet of a pre-existing occupied single family dwelling.

**BB Fraternity and Sorority Houses** are a conditional use in the R-4 and PU districts, provided the following standards are met.

No fraternity or sorority house shall be located within 200 feet of a single family dwelling.

The sorority or fraternity shall provide evidence that a licensed hauler will remove solid waste.

Rear and side yards may be required to be screened from abutting properties.

**CC Stadiums and Sports Fields** can have a tremendous impact during events and are a conditional use.

Present a means to ensure that the normal flow of traffic to stadium events will avoid the utilization of local streets and predominantly single family dwellings in residential districts.

No stadium or sports field shall be located within 200 feet of an R-1, R-2A, R-2B residential district.

Present a plan for management of noise through screening and buffering.

## ARTICLE XIX

### SPECIAL EXCEPTIONS

#### SECTION 1901 POWERS AND DUTIES

Where the governing body has stated special exceptions, in the zoning ordinance, to be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria.

#### SECTION 1902 PROCEDURES

Upon application and in accordance with the provision of the zoning ordinance and rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the zoning district regulations. The proposed use shall also conform with all the provisions for the use in the particular zoning district in which it is to be located, and all other provisions of the zoning ordinance, except as prescribed in this section. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the zoning ordinance.

The Board shall consider, explain and record its findings and determinations in conformity with the spirit and intent of the zoning ordinance and may authorize or deny a permit for the following special exception uses:

All procedures for Board activities, including, but not limited to timing, advertising of hearings, and notice of decisions shall be conducted in conformity to the Pa Municipalities Planning Code.

#### SECTION 1903 SPECIFIC CONDITIONS FOR SPECIAL EXCEPTION USES

- A. Professional Offices are permitted where specified and subject to the following requirements:
1. The minimum lot size shall be 20,000 square feet and the minimum lot width shall be 100 feet.
  2. There shall be only one principal structures per lot and the maximum square footage of the principal building shall be 5,000 square feet.
  3. The owner/developer shall prepare a detailed site plan showing the location of all structures, parking areas and driveways, signs and outdoor lighting fixtures, building elevations and landscape and planting details.
  4. The architecture and function shall be compatible with the general residential character of the area in which it is to be located.
  5. Off-street parking areas shall be located to the side or rear of the principal structure and attractively landscaped.
  6. There shall be no drive-in windows for service to customer clients in vehicles.
  7. Off-street parking areas shall be suitably buffered and/or screened from adjacent residential properties.
- B. Cemeteries are permitted where specified and subject to the following requirements:
1. The owner/developer shall prepare a complete site plan showing all proposed burial areas (both short and long range); all structures, parking areas and access and interior circulation roads. Said plan shall be prepared by a registered landscape architect, architect or engineer.
  2. No burial areas, structures, or circulation roads shall be located closer than fifty (50) feet to any adjacent property line.

3. The owner/developer shall provide appropriate procedures, documents or other legal documents which will satisfactorily assure the continued maintenance of the proposed cemetery.

C. Campgrounds and Recreation Vehicle Parks: Such uses are commercial in nature, normally seasonal but do have a high impact potential. Such uses shall have a minimum lot area of Ten Acres in the LF Lakefront area and twenty (20) acres in other district where permitted. In addition, such uses shall:

1. Submit a subdivision or land development plan that meets all standards of the Harborcreek Township subdivision and land development ordinance.
2. Roads to access individual campsites shall be at least 16 feet in width, and must be improved with a dust free surface.
3. Provide evidence of compliance with Department of Environmental Protection standards for water and sanitary sewer facilities.
4. Provide evidence of approved solid waste removal.
5. At least twenty five percent (25%) of the total tract shall be reserved as either common recreation areas for the use of guests, or conservation lands.
6. No campsite may be within 200 feet of a pre-existing single family dwelling. All areas that abut residential uses shall be screened with a vegetative barrier of natural or planted materials.

D. Group Residence Facilities are permitted as a use on special exception as specified in this Ordinance and subject to the following requirements: (Ordinance 84-102-29)

Maximum number of residents: The maximum number of residents shall be set forth in those sections of this Ordinance applicable to the particular District in which the premises is to be located. The number of "residents" shall be deemed to include resident clients, staff and family of staff residing in the premises either permanently or temporarily and staff assigned per shift. Staff assigned per shift shall not be deemed to include personnel who visit the residence for periods of time shorter than a shift for the purpose of assisting residents in dressing or otherwise preparing for daily activities or those personnel visiting a residence to evaluate or attend to a resident for a relatively short period of time. 2.

Occupancy:

- a. Persons receiving treatment under PA Article III (involuntary Examination and Treatment) and/or PA Article IV (determinations affecting those charged with a crime or under sentence) shall not be eligible for residence in a group residence facility.
- b. Mentally retarded individuals shall be certified by Erie County mental retardation authorities as being capable of residing in such facility.
3. Minimum lot and area requirements: Minimum lot and area requirements shall be as prescribed for the zoning district in which the property is located.
4. License or certification: A license or certification shall be obtained from the Commonwealth of Pennsylvania and/or the County of Erie as is applicable prior to issuance of an occupancy permit. In the event an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Zoning Hearing Board that the proposed use satisfies a demonstrated need and will be conducted in a responsible manner without detriment to other properties and uses.
5. Annual recertification:

- a. The sponsoring agency or other sponsor shall file on or before March 1 of each calendar year with the Zoning Officer written confirmation that the sponsor and the facility continue to satisfy all conditions of the original approval and retains a license to operate the facility issued by the proper licensing authority(ies), this constituting a request for certification. Such confirmation shall be filed on such form(s) as will be supplied by the Zoning Officer. The annual recertification date shall be April 1.
  - b. The Zoning Officer shall mail to each applicable sponsor on or about February 1 or each calendar year such form(s) as shall be required to be filed by the sponsor under this Section.
  - c. Changes in sponsorship or of operations of or within the facility shall constitute a new use. Upon the occurrence of any such change, it shall be the obligation of the property owner to notify the Zoning Officer in writing of the nature and details of such change. Any such change shall require submission of a new application for use on special exception and compliance with all procedures for grant of a special exception under this Ordinance.
  - d. Review of annual recertifications and any communications received pursuant to such applications shall be within the proper authority of the Board of Supervisors. A facility in compliance with the original grant of use upon special exception and such conditions as were imposed thereon shall be entitled to recertification absent a material change in circumstances, use or sponsorship.
6. Compliance with applicable regulations: The use shall be allowed and continued use conditioned upon compliance by the facility and its operations with all federal, state or local laws, ordinances or regulations applicable to ownership and/or operation of such facility.
7. Performance standards: A use shall be allowed after evaluation of and compliance with performance standards intended to assure that operation of the facility comports with uses allowed and/or existing in the District in which the property is located and, further, complies with provisions of this Ordinance and other applicable Township ordinances. These standards, which may be established as conditions upon any use allowed, shall include the following:
- a. The definitions of "Group Residence Facility" and "resident" as set forth in Article IV of this Ordinance shall be strictly construed.
  - b. Parking facilities as set forth in this Ordinance as apply. In addition, a sponsor/applicant shall assure as off-street parking a minimum and maximum of one (1) parking space for each two (2) resident clients and one (1) parking space for each staff member residing in the premises or assigned per shift on that shift upon which the maximum number of staff are scheduled.
  - c. To the extent parking facilities are not addressed in this Ordinance, provision shall be made to regulate or prohibit on-street parking and/or require off-street parking suitable to the needs of the proposed facility and consistent with that allowed within the particular District. This authority shall extend to regulation of the location of off-street parking to encourage retention of the existing character of the district.
  - d. Where larger off-street parking facilities are allowed within a Residential District, such parking area(s) shall be screened by shrubbery as approved by the Zoning Hearing Board.
  - e. The establishment shall comply with all federal, state and local laws, ordinances and regulations governing noise levels or reduction as then or in the future may be in effect.

- f. No delivery trucks or outside storage shall be allowed on a premises located within a Residential District, this provision not being intended to prohibit mail or package delivery services or vendors selling wares to various dwellings within the district.
  - g. All exterior lighting shall be arranged and aligned to reflect light away from neighboring premises and public rights of way.
  - h. Activities of a facility otherwise entitled to a use on special exception which are required by applicable law or regulation but which ordinarily would not be conducted in the District in which the property is located or might cause disturbance to neighboring residents shall be regulated so as to minimize or eliminate injury or inconvenience to others.
    - i. Any other matter necessary to assure compliance with this Ordinance or any other Township ordinance as may in the circumstances apply.
1. 8. Proper scope of review: In considering any application, the Zoning Hearing Board shall review operations of a proposed facility to determine whether it meets the definition of a "group residence facility" as set forth in this Ordinance. If it is determined that the proposed facility meets the definition in Article IV, the use shall then be deemed appropriate as designated in the particular District, and further consideration of the application shall focus upon assuring compliance with all applicable ordinances and on conditions upon grant of the use as may be necessary or appropriate in the circumstances to assure compliance with such ordinances and that the proposed facility shall operate as defined with due consideration of the interests of the facility, residents of the facility and neighboring uses and residents with the "Districts."

2.

**E. Water Recreation and Storage** Where this is a special exception, the applicant shall show that access to the facility is secured to meet state codes other applicable safety standards.

**F. Conversion Apartments** The purpose of this special exception use is to reasonably regulate the conversion of large, older single family dwellings, or such buildings identified under the adaptive re-use section of the V-Village District, into multiple family dwellings intended to meet the affordable housing needs of persons age 55 and older. The conversion must meet the following standards.

Because this is a conversion, no addition or renovation may result in a greater gross floor area than prior to the conversion.

All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.

Approval of a special exception sketch plan does not constitute a land development plan approval under the Township Subdivision And Land Development Ordinance. At the time of land development submission the developer shall meet all applicable standards of that ordinance.

**G. Multiple Family Dwellings** The purpose of this special exception if to ensure that new construction of multiple family dwellings fit the context of the V Village District.

The Developer shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the Neighborhood. This sketch plan shall show consistency with any design manual adopted by the Township and the overall design standards of this district.

Residences housing more than one family shall be designed to emulate traditional buildings of this nature in historic settlements in the region, or shall be designed to resemble large single-family residences. No building housing more than one dwelling unit, shall have more than 6 units, except for townhouse units, which may have blocks of up to ten units sharing a common wall.

All standards of the V Village District regarding site plan approval shall be met

- H. Treatment Center/Pre-Release Detention Facility shall be permitted where specified and subject to the following requirements: (Ordinance 84-102-44)
1. No such use shall be approved if within 1,000 feet from a similar use.
  2. No such use shall be approved unless there is a separation of at least 500 feet from a residential district or use.
  3. No such use shall be approved within 500 feet of such uses as schools, parks, camps, community center, child care facilities, churches, playgrounds, or other areas where minor children assemble or congregate.
  4. No such use shall be approved without due consideration by the Board regarding appropriate security measures where the clientele/inhabitants/residents are under the supervision or monitoring of the DOC, the BPP, or the Board of Pardons. Such security measures may include, but are not limited to fencing or other barriers, cameras, lighting, guards, sign-in/sign-out sheets, curfews for residents, guard dogs, sirens, or direct alarm with the police authority having jurisdiction.
  5. The minimum lot area shall be 20,000 square feet.
  6. The maximum building coverage shall not exceed 35% of the total land area of the lot.
  7. A minimum of 25% of the gross area of the lot shall be devoted to green space.
  8. Parking: 1 space per employee on largest shift and 1.5 spaces per resident bed or 1 space per 300 square feet of the facility whichever is greater.
  9. The facility shall be built and/or operated so as to avoid potentially adverse influences and impacts on surrounding properties. Standard setbacks shall be increased by 10 feet (front, rear, side).
  10. There shall be no direct glare, whether from flood lights or high-temperature processors, so as to be visible from adjoining zoning districts.
  11. Commercial outdoor signs shall be prohibited. Identification and directional signs shall be permitted per Article XXI.
  12. The density of the 40 ft. green buffer area, required in Article XIII, shall be approved by the Zoning hearing Board and shall have the purpose of softening the visual effect the use may have on the residential neighbors.

J Marine Supplies and Services are a special exception in the LF Lakefront District, provided the following criteria are met. Marine supplies and services include boat and boat supply sales, Boat storage, and services.

1. No boat storage areas shall be within 200 feet of a pre-existing single family dwelling
2. All outdoor storage yards shall be screened with an opaque wooden or vinyl fence of at least six feet in height.

## ARTICLE XIX

### SUPPLEMENTAL REGULATIONS

#### SECTION 2001 ADDITIONAL PROVISIONS FOR CERTAIN USES

The provisions of this Zoning Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplemental regulations. Note: These regulations may not be in alphabetical order.

#### SECTION 2002 ADDITIONAL DWELLINGS

- A. Residential Uses: Individual lots or parcels shall have no building or buildings in addition to the principal building on the same lot used for living purposes.
- B. Nonresidential Uses: Where a lot or tract is used for a non-residential purpose, more than one principal building may be located upon the lot or tract but only when such buildings conform to all open space and yard requirements around the lot for the district in which the lot or tract is located.

#### SECTION 2003 CELLAR DWELLINGS

No living quarters other than a game or recreational room shall be placed in a cellar structure or in any other room or space having less than one-half its height (floor to ceiling) above the average ground level as measured from front to rear of the structure.

#### SECTION 2004 CLEAR SIGHT TRIANGLE

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, earthen bank, vegetation accumulation of snow or other materials exceeding three feet in height above the finished paved area at the center to the roadway shall be allowed within the clear sight triangle on corner lots. The clear sight triangle shall be a triangular area of unobstructed vision on corner lots formed by a 100 foot sight line along the centerline of a secondary or primary road, by a 75 foot sight line along the centerline of a local street and by a line joining these two sight lines at the greatest distance from their intersection.

#### SECTION 2005 COMMERCIAL EQUIPMENT STORAGE

Commercial equipment including trucks (greater than one ton capacity) tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving, or cargo-moving vehicles and/or equipment shall not under any conditions be stored or parked overnight in any Residential District. In Commercial and Industrial Districts, such vehicles and/or equipment shall not be parked overnight or stored on any public thoroughfare or right-of-way. Farm tractors and other related farm equipment is excluded from the above requirements for Residential Districts.

#### SECTION 2006 CONSTRUCTION OF ACCESSORY BUILDING

No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced and except as provided elsewhere in this Zoning Ordinance, no accessory building shall be used for residential purposes. Provided, however, that one residential unit for a caretaker may be permitted in conjunction with any industrial establishment.

#### SECTION 2007 FENCES OR HEDGES

Subject to the following conditions, fences may be erected along the boundaries of a lot.

- A. Fences, hedges or other plantings, structures or walls at street corners shall not be located so as to interfere with the clear sight triangle on corner lots. The height of such objects is restricted to three feet within the clear sight triangle above the centerline of the adjacent road surface.
- B. In all Residential Districts and the Business-Community Shopping District, fences may be erected to a height not exceeding six feet where the opening between the materials used to construct the fence represent less than seventy percent (70%) of the total surface area of the fence.
- C. Walls and fences shall be exempt from side and rear yard requirements noted in the previous zoning districts. In existing developments, walls and fences shall not be placed closer than 1'0" to an adjacent property line. However, upon the submission of properly executed joint maintenance easement agreements between adjacent property owners, walls and fences may be placed on the property line. Such agreements shall be reviewed and approved by the Zoning Officer. In the case of new subdivisions or land developments where walls and/or fences are contemplated or proposed as part of the architectural design (to serve as privacy screens and/or decorative separations between individual properties), a five foot maintenance easement shall be required on either side of the wall or fence.

**SECTION 2008 GENERAL STORAGE**

No lot or premise shall be used as a storage area for junk vehicles, appliances or the storage or collection of any other miscellaneous items unless permitted under the I-Industrial District. Also, no lot or premise shall be used as a garbage dump or a dead animal rendering plant nor any manure, rubbish or miscellaneous refuse be stored in the open within any District where the same may be construed as a menace to the public health or safety.

**SECTION 2009 HEIGHT REGULATION EXCEPTIONS**

- A. Public, semi-public or public services building, hospitals, public institutions or schools when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches or temples may be erected to a height not exceeding sixty-five (65) feet if the building is set back from each yard line at least one foot for each additional two feet of building height above the height limit, otherwise provided in the district in which the building is located.
- B. Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks, water towers which require a greater height than provided in the district may be erected to a greater height than permitted providing:
  - 1. The structure shall not occupy more than twenty-five (25) percent of the lot area.
  - 2. The yard requirements of the district in which the structure is erected shall be increased by one foot for each foot of height over the maximum height permitted.
  - 3. The structure shall not exceed 85 feet in height
- C. The height limitations of this Zoning Ordinance shall not apply to church spires, belfries, wind energy conversion systems (WECS) and essential service structures.

**SECTION 2010 HOUSEHOLD PETS**

Household Pets are limited to domesticated animals that normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine (Except for one miniature swine, commonly known as a pot-bellied pig, kept within the residence) sheep, poultry, bovine or equidae family or quadrupeds, members of the crocodilia or alligators, or reptiles having a venomous or constrictor nature, does not constitute a household pet under any provision of the Ordinance.

**SECTION 2011 JUNK YARDS**

All junk yards existing at the effective date of this Ordinance, within one year thereafter, and all new junk yards, where permitted, shall comply with the following provisions:

- A. No junk materials, appurtenant structure, or other enclosure shall be stored or placed within twenty-five (25) feet of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- B. Any junk yard shall be completely enclosed with a visual screen of evergreen or evergreen type hedge or tree-row of a variety and size at the time of planting that such will attain a height of eight feet within three years thereafter and maintained in a sound and attractive manner.
- C. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water and with no junk piled to a height of more than six feet.
- D. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be attended and controlled at all times.
- E. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.

#### SECTION 2012 PATIOS

A patio is defined as a portion of a structure which may or may not be partially or totally enclosed by a roof and one or more walls. A patio constructed at "grade level" and with no roof or walls may extend into any required yard space. However, at any point in the future, only that portion of the patio that is within the required building setback lines may be enclosed by applying for a building permit.

#### SECTION 2013 PRIVATE SWIMMING POOLS

Where permitted, private swimming pools, including above ground and in-ground pools, shall comply with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located.
- B. It may be located only in the rear yard or side of the property on which it is an accessory use.
- C. The pool including any above ground decking shall not be closer than ten feet to any property line of the property.
- D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four feet but not more than six feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than two inches in width, except for necessary gates; and when said fence is formed of metal or wire, such metal or wire shall be not less than number six gauge.

#### SECTION 2014 RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT

Trailers as defined within the terms of this Zoning Ordinance and including travel trailers, pickup coaches, motorized homes and boat trailers, may be parked or stored subject to the following requirements:

- A. Major recreational equipment as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

- B. Occupancy: No such equipment shall be used for living, sleeping or housekeeping purposes except as provided for under the following conditions:
  - 1. Travel trailers, pickup campers, or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following provisions.
    - i. The temporary parking and occupancy period shall not exceed fourteen (14) days.
    - ii. Such vehicles and/or trailers shall have adequate off-street parking areas.
- C. Permanent Parking and Storage of Camping and Recreational Equipment: Permanent storage of such equipment shall be permitted in any Zoning District provided parking of the unit conforms with all applicable yard setback requirements of the Zoning District.
- D. Spacing: Major recreational equipment six feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.
- E. Lot Coverage: Major recreational equipment six feet or more in average height shall be included on the same basis as buildings for regulations of lot coverage by all buildings with area covered computed on the basis of the largest horizontal area covered by such equipment.
- F. Derelicts: No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

**SECTION 2015 STRUCTURE ON SMALL LOT OF RECORD**

Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Officer may permit erection of a structure on any lot of record separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required in this Ordinance. In no case shall any structure be permitted within ten feet of a lot line as measured at the building line.

**SECTION 2016 TEMPORARY USES**

Only the following uses are permitted temporarily (from a period of one to four weeks in one calendar year) -- see Article XXII.

- A. Christmas tree sales in commercial districts.
- B. Carnival, circus and street fairs in commercial or industrial districts.
- C. Mobile amusement and lighting equipment for promotion, advertisement and grand openings in commercial and industrial districts.

**SECTION 2017 YARD REQUIREMENTS**

- A. All yards required to be provided under this Zoning Ordinance shall be unobstructed by any building or structure except for accessory buildings in the rear and side yards and fences.
- B. The following may project into the required yards as established in this Zoning Ordinance:
  - 1. Steps and stoops not exceeding 24 square feet, or handicapped access ramps necessary to fulfill requirements of the Americans with Disabilities Act requirements.

2. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the rear or side yard not exceeding three and one-half feet in width and placed so as not to obstruct light or ventilation.
  3. Sills, eaves, belt courses, cornices and ornamental features not exceeding two feet in width.
- C. The front yard requirements heretofore established shall be adjusted in the following cases:
1. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less), a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
  2. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
    - i. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front cornices of the adjacent structures on the two sides.
    - ii. When a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- D. Irregular Lots: Where any main wall of a structure located on any irregular shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.

#### SECTION 2018 AUTO WRECKING, JUNK AND SCRAP ESTABLISHMENTS

All auto wrecking, junk and scrap establishments shall meet the following regulations in addition to the specific district regulations in which such use(s) may be located.

- A. No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water, or other natural cause.
- B. No material shall be placed within the front, side, or rear yard setback area. All yard setback areas shall at all times be clean, vacant, and well maintained. All unpaved yard setback areas shall be covered with grass or similar vegetative material.
- C. All paper, cloth and rags, and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- D. All materials and activities not within fully enclosed buildings shall be surrounded by a masonry or metal fence or wall at least six feet in height. Such fence shall be completely sight obscuring and maintained in good condition. No fence may be permitted in any yard setback area. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
- E. The establishment shall at all times be maintained in such a manner as to prevent (1) any menace to public health and safety, (2) offensive or obnoxious odors, (3) the breeding, harboring or infecting of rats and other rodents and vermin, and (4) violation of any health or sanitary law, ordinance, or regulation of the Township or the Commonwealth of Pennsylvania.
- F. All gasoline and oil shall be drained from any junked motor vehicle into containers and stored at only one location on the premises. No more than twenty (20) gallons in aggregate shall be stored above ground.

- G. No burning shall be permitted on the premises except in suitable containers. Fire hazards shall be minimized by the segregation of combustible from noncombustible materials, and the provision of adequate aisles for escape and firefighting equipment.
- H. The storage of material shall no exceed ten (10) feet in height.
- I. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water.
- J. Every structure erected upon the lot after the effective date of this Ordinance shall be of fireproof construction.

SECTION 2019 KEEPING OF LIVESTOCK FOR PERSONAL USE OR HORSES AS PETS

The keeping of horses as pets or livestock for personal use is permitted in the R-1 and R-2 Districts provided:

- A. The lot contains a minimum of 5 acres and at least one and one-half (1-1/2) acres of pasture per horse or each animal unit (as defined by definition 111a).
- B. Manure is not stored within 150 feet of any property line.
- C. The pasture is completely enclosed with a fence at least four feet in height.

SECTION 2020 RESERVED

SECTION 2021 WIND ENERGY CONVERSION SYSTEMS (WECS)

Include any device such as a wind charger, wind turbine or windmill that is designed to convert wind power into another form of energy such as electricity or heat. WECS shall be permitted in accordance with the following requirements.

- A. In order to insure safety to adjoining properties, all WECS shall require a special operating permit issued by the Zoning Officer after his review of proposed construction plans and operational data relative to the proposed WECS.
- B. The applicant shall submit the following information to secure an operating permit:
  - 1. Construction plans prepared by a registered engineer showing the location of the proposed tower and related equipment for the WECS, The type of materials used to construct the tower or pole on which the WECS will be mounted; all manufacturer's data relative to the complete operational characteristics of the WECS including but not limited to safety and performance standards and/or characteristics, noise characteristics, etc.
- C. All WECS towers or poles shall be set back a minimum distance of 1.25 times the total height of the tower or pole and all equipment mounted thereon from all adjacent property lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.
- D. All WECS towers or poles shall be enclosed by a six (6) foot fence with a lockable entry. Also the climbing apparatus for the tower or pole shall stop twelve feet above the ground level.
- E. WECS operations shall not cause interference to television or radio reception on neighboring properties. The Township reserves the right to suspend and/or rescind the special operating permit if such interference becomes evident and is a nuisance to neighboring property owners.
- F. WECS operations shall not cause unreasonable noise that would be objectionable to and detract from adjacent properties. The Township reserves the right to suspend and/or rescind the special operating

permit if, in its opinion, the noise characteristics and/or levels generated by a particular WECS are unreasonably loud and pose an undesirable nuisance to neighboring properties.

- G. WECS operations shall not constitute an undue safety hazard to neighboring properties due to repeated failure and/or breakage of the rotor blade(s). If in the opinion of the Township such a safety hazard and/or nuisance exists, they reserve the right to suspend and/or rescind the special operating permit until the safety hazard(s) have been corrected to the satisfaction of the Township.

## SECTION 2022 ACCESSORY BUILDINGS

The number of accessory buildings with less than 120 square feet of floor shall be limited to one (1) such structure per residential lot.

## SECTION 2023 BOARDERS (Ordinance 84-102-47)

- A. In any single family unit occupied by a family as defined in Article IV, Section 402, A, 47a, a family can have no more than one (1) additional boarder who need not be related by blood or marriage. Said boarder shall occupy a room for sleeping purposes only and not for eating or preparing of food.
- B. Two student boarders are permitted in the R-4 District in single family unit occupied by a family as defined in Article IV, Section 402, A, 47a & 47b. Said boarders shall occupy a room for sleeping purposes only and not for eating or preparing of food.

## SECTION 2024 WIRELESS COMMUNICATION TOWER AND COMMUNICATIONS EQUIPMENT BUILDING (Ordinance 84-102-41)

Where permitted, wireless communication towers and equipment buildings shall comply with the following conditions and review by the Harborcreek Planning Commission.

- A. Front, Rear and Side Yard Depth.
  - 1. The tower and antenna shall be setback a minimum of the height of the tower and antenna from all property lines.
  - 2. The tower and antenna shall be setback a minimum of the height of the tower and antenna from all occupied structures.
  - 3. The equipment building shall be subject to the setback requirements of the applicable zoning district for an accessory structure.
- B. Height.
  - 1. Tower and antenna shall not exceed a height of 200 ft.
  - 2. The equipment building shall be subject to the height requirements of the applicable zoning district for an accessory structure.
- C. Separation.

Any new tower must be minimum of 2,500 ft. from an existing tower or approved tower location (permit issued, however, not constructed).
- D. Antenna Size.
  - 1. Omnidirectional or whip communications antennas shall not exceed twenty (20) ft. in height and seven (7) inches in diameter.
  - 2. Directional or panel communications antennas shall not exceed five (5) ft. in height and three (3) ft. in width.

E. Site Improvement.

1. Fences: A fence shall be required around the antenna support structure, accessory building(s) and other equipment. The fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, shall completely enclose the antenna, support structure, and related facilities, shall not contain opening greater than nine (9) square inches and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel.
2. Landscaping: Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the support structure, and any other ground-level features (such as a building), and in general soften the appearance of the wireless service facility site. The Township may permit any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping.
3. Lighting: No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
4. Access: Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to provide year around access.

F. Miscellaneous Requirements.

1. Liability: The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas, naming the owner of the real estate where the facility is located as an additional insured, and naming the Township as an additional insured.
2. FCC license: The owner or operator of communications antennas shall be licensed by the Federal Communication Commission to operate such antenna.
3. Airport zoning regulations: The owner shall comply with the Harborcreek Township Airport Hazard Ordinance.
4. Inspections: The antenna support structure shall be inspected at the time of construction and every two (2) years thereafter by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum this inspection shall be conducted in accordance with the Tower Inspection Class checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures" a copy of said inspection report shall be provided to the Township. At this time said report is provided to the Township, applicant shall pay a fee established by the Board of Supervisors by resolution.
5. Copy of any lease agreement between the owner/operator of the wireless communication facility and the owner of the real estate, if different, shall be provided to the Township prior to erection or placement of any facility.

SECTION 2025 SIDEWALKS (Ordinance 84-102-55)

In any Business District, designated as a sidewalk district by resolution of the Board of Supervisors, sidewalks shall be installed along the abutting street(s) of any lot at the time any commercial building is erected on said lot.

- A. Provisions of the Subdivision and Land Development Ordinance, No. 01-180, Section 602 (6), as amended, are incorporated herein by reference, and shall control.
- B. When a commercial building is to be constructed pursuant to a land development or subdivision application, the estimated costs of sidewalk construction shall be included within the developer's financial security tendered in accordance with the Subdivision and Land Development Ordinance and administered under that ordinance.
- C. If the commercial building is not being constructed pursuant to a land development or subdivision application, the developer shall tender to the Zoning Officer financial security in a form authorized in the Subdivision and Land Development Ordinance in an amount equal to 110% of the estimated cost of construction as certified by a professional engineer. Such security shall be tendered prior to issuance of a Zoning Permit.
- D. Required sidewalks shall be constructed prior to occupancy of the constructed building and prior to issuance of a UCC certificate of occupancy.
- E. Failure to complete construction of required sidewalks within one year after issuance of the zoning permit or prior to occupancy of the constructed building, whichever first occurs, shall constitute a default by the developer, in which event the financial security tendered for construction of sidewalks shall be taken by the Township and used to ensure the required sidewalk construction.

SECTION 2026 ACCESSORY STRUCTURES ASSOCIATED WITH COMMERCIAL DEVELOPMENTS (Ordinance 84-102-57)

A. Front Yard Setbacks

- 1. Fuel Pumps and Canopies shall have a minimum front yard setback of 75 feet.
- 2. For new land developments, accessory structures proposed in conjunction with the machines, vending machines, etc. shall be approved by the Board of Supervisors after recommendation by the Planning Commission during land development review.
- 3. For existing developments, new accessory structures proposed in conjunction with the existing use shall be reviewed by the Planning Commission and approved by the Board of Supervisors. The zoning officer shall issue a zoning permit prior to the placement of the structure.

B. Merchandise Storage and Display

- 1. Merchandise shall not be placed on any sidewalk or at any location that will reduce the number of parking spaces below the minimum required by ordinance. Additionally, merchandise shall not obstruct vehicular or pedestrian traffic patterns.
- 2. The Board of Supervisors must approve the location of all outside merchandise display area after recommendation by the Planning Commission.
- 3. There shall be no outside merchandise storage trailers permitted on the site except when utilized during the time of construction or renovation for the temporary storage of merchandise or equipment.

## ARTICLE XXI

### OFF-STREET PARKING, LOADING AND UNLOADING REGULATIONS

#### SECTION 2101 GENERAL REGULATIONS

- A. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
- B. Each parking space shall have an area of not less than one hundred and eighty (180) square feet (a parking space 9' x 20'), whether inside or outside of a structure, for the temporary parking of automotive vehicles to be used exclusively as a parking stall for one automobile vehicle plus one hundred and fifty (150) square feet used exclusively for turning and access to the parking stall. This latter provision (150 square feet of turning area) shall not apply to single family and two family residences.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission.
- E. Surfacing: Any new or enlarged commercial, industrial or multi-family off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
- F. Lighting: Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises and public rights-of-way.
- G. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public as approved by the Planning Commission. Where a parking or loading area does not abut on a public right-of-way, or private alley or easement of access, there shall be provided an access drive of not less than twelve (12) feet in width per lane of traffic and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

- H. Combined Spaces: When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Commission may reduce the total parking spaces required for that use with the least requirement.
- I. Multiple Uses in Single Structure: When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
- J. Reduction of Parking Spaces: The Zoning Hearing Board may authorize the reduction of the number and size of the off-street parking spaces as a special exception in cases where they can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land.
- K. Joint Facilities: Required parking spaces, open or enclosed, may be provided in spaces designated to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

## SECTION 2102 PARKING FACILITIES REQUIRED

Off-street parking facilities shall be provided to lessen congestion in the streets. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below. Said spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. The final number and arrangement of parking spaces shall be subject to review and approval of the Planning Commission in addition to provisions for ingress and egress.

Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

## Parking

Use	Parking Spaces Required
<b>Agricultural</b>	
Farm Stands	2
Agricultural Processing Businesses	1 per employee plus one per each 800 square feet of retail area
Commercial Stable or Riding Academy	1 per employee plus 1 per each 8 horse stalls
<b>Residential</b>	
Single-Family Dwelling and Duplex	2 per dwelling unit, need not be paved
Multi-Family Dwelling	2. per dwelling unit, unless limited to persons over the age of 55, or 1 bedroom units, then 1.5 spaces per dwelling unit. Multiple Family Dwellings occupied by university students shall provide one parking space for each occupant of each dwelling unit, plus one visitor space for each three dwelling units.
Mobile Home Parks	2.5 per dwelling unit
Home Occupations	2 per dwelling unit, plus one per non resident employee and one additional space
Dormitories	1 per intended occupant
<b>Institutional Uses</b>	
Churches, Auditoriums, Indoor Assembly Places	1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Race Tracks, Sports Arenas and Places of Outdoor assembly, including commercial uses	1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 2 students age 16 and over
Nursing Homes and Personal Care Homes	1 per each staff on the largest shift plus 1 per each 4 beds
Hospitals	1 per each staff on the largest shift plus 1 per each bed
<b>Commercial Uses</b>	
Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales	1 per 5,000 square feet developed lot area for vehicle display <i>and</i> 1 per 300 square feet customer service area; to a required maximum of 30 designated customer parking spaces
Convenience Store/Service Stations	1 per 200 square feet gross floor area
Hotels/Motels	1 per guest room plus 1 per each employee on the largest shift
Funeral Home and Mortuaries	25 for the first parlor or viewing room, plus 10 per each additional viewing room
Indoor Commercial Recreation	One per each 3 persons in maximum occupancy
Outdoor Commercial Recreation, driving ranges and miniature Golf	1 per each 2,500 of lot area developed and used for the recreational activity or three spaces per each tee
Golf Courses	3 per tee
Medical and Dental Office	8 spaces per doctor
Professional Office and Banks	1 per each 250 square feet of gross floor area
Furniture Stores	1 per each 800 feet of gross floor area
Eating and Drinking Places	1 per each 2 patron seats
Retail Stores/Shopping Centers	1 per each 400 square feet of gross floor area
Recreation Campgrounds	2 per campsite
<b>Industrial Uses</b>	
Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals and Warehouses	1 per each employee as calculated from the maximum working shift or overlapping shift largest shift plus 1 visitor space per each 25 employees

## SECTION 2103 LOADING AND UNLOADING SPACE

Off-Street Loading Requirements: Off-street loading, berths, open or enclosed, are permitted accessory to any use (except one or two family residences) subject to the following minimum provisions:

- A. Uses for Which Required: Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.
1. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children of the aged, or school with floor area of 10,000 square feet, one berth; for each additional 25,000 square feet or fraction thereof, one additional berth.
  2. For buildings with professional, governmental or business offices, or laboratory establishments, with floor area of 10,000 to 25,000 square feet, one berth; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet, one additional berth; for each additional 50,000 square feet or fraction thereof, one additional berth.
  3. For buildings with offices and retail sales and service establishments, one berth for 8,000 to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.
  4. For undertaker and funeral homes, one berth for each chapel. (Such berths shall be at least 10 feet wide, 20 feet long, and 14 feet high.)
  5. For hotels, motels, and resorts, one berth for each 25,000 square feet of floor area.
  6. For manufacturing, wholesale and storage uses and for dry-cleaning and rug establishments and laundries, one berth for 5,000 to 10,000 square feet of floor area in such use, and one additional berth for each additional 20,000 square feet of floor area or fraction thereof so used.
- B. Size of Spaces: Each required loading berth shall be at least 12 feet wide, 45 feet long, and 14 feet high.
- C. Location and Access: Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No off-street loading berth shall be located in any front yard. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended.

## SECTION 2104 ACCESS TO OFF STREET PARKING AND LOADING AREAS

A. Access to and from all off-street parking, loading and vehicle service areas along public right-of-ways shall consist of well defined separate or common entrances and exists and shall comply with the following provisions:

1. Access drives shall not open upon any public right-of-way:
  - i. Within fifty (50) feet of the nearest right-of-way line of any intersecting public street or highway in residential, and seventy-five (75) feet from the nearest public right-of-way for commercial and manufacturing uses.
  - ii. Where the sight distance in either direction along the public thoroughfare would be less than three hundred (300) feet when the posted speed limit exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred (200) feet.

2. All access drives entering onto a State highway shall not be approved by the Planning Commission unless and until a State Curb Cut Permit and/or Highway Occupancy Permit has been approved and presented. Moreover, no zoning permit shall be issued for new construction where such permits are required until such permits have been approved and presented.

B. Special Standards For New Access Drives On Stressed roads: the following standards shall be employed along arterial or collector roads in the township where significant development has occurred. These standards are adopted to ensure that arterial and associated collector roads in developed areas can accommodate traffic smoothly and efficiently These standards apply to .

- Pa Route 20
- Pa Route 5
- Station Road
- Shannon Road
- Saltsman Road
- Hannon Road

1. Access Roads, Driveways and Local Streets: All lots are limited to one (1) access point or connection either to any road listed under this subsection . Additional access points shall only be permitted where the developer can present a traffic study illustrating how the additional access point meets PennDOT requirements or will objectively be shown to improve traffic flow and safety. All new access roads, driveways or local streets must conform to the performance standards of this Article.
2. Where access roads, driveways and new local streets access a principal road that has another public road, street or parking area for more than ten (10) vehicles on the opposite side of said principal road, the point of access shall be coordinated to directly coincide with the pre-existing access point.
3. New access roads, driveways and new local streets shall provide turn lanes based upon anticipated average daily traffic (ADT).

ADT	Turn Lanes Required
Less than 100 Vehicles	None required
100 to 500 Vehicles	One turn required, the direction of which shall be based upon principal anticipated flow direction. Normally this would be towards the next intersection with a higher traffic count.
500+ Vehicles	Turn lanes as warranted by Township Engineer

4. Turn Lanes may also be required to mitigate Level of Service Deficiencies as identified in a traffic impact study as required by the Township for Subdivision or Land Development approval .
5. Connection Spacing: New access roads, driveways and new local streets shall maximize distance from all previous connections on the same side of a principal road, based upon the following: .

Road	Minimum Access Spacing
Pa Route 20	300 Feet
Alternative Minimum for Non-Conforming Lots along Pa. Rt. 20	150 Feet
All other Roads Per this section	150 Feet
Alternative Minimum for Non-Conforming Lots	75 Feet

6. Corner Clearance: Corner lots shall provide minimum front yard setbacks and minimum lot width for the district in which the lot is located on both streets in which the lot fronts. Access drives shall be placed to maintain maximum distance from the intersection. All access drives shall be placed on the road with the lowest traffic count.
7. Parking Lots, Joint and Cross Access: Private cross access easements may be required across any lot fronting on an existing street in order to minimize the number of access points and facilitate access between and across individual lots. Parking lots or parking areas designed for greater than fifty (50)

vehicles or of a surface area greater than forty thousand (40,000) square feet which directly accesses a principal road shall be subject to the following standards:

- ii. A continuous service drive or cross-access corridor right-of-way shall be reserved.
- iii. An agreement is presented allowing neighboring properties to utilize this cross access or service drive to access existing roads.
- iv. If abutting properties are already developed, present a plan for shared access with such properties.
- v. The number of required parking spaces may be reduced by fifteen percent (15%) if shared pedestrian access between abutting developments is provided.
- vi. Parking lots shall be designed to use DEP's Best Management Practices to minimize stormwater runoff.
- vii. Parking lot frontage shall be curbed or utilize a landscaped buffer at least five (5) feet in width to prevent access by any means other than designated access points.

8. Driveway Throat Length: Driveway throat length shall be consistent with the following table:

Size of Development	Minimum Driveway Throat Length
100,000+ Square Feet of Gross floor area	200 Feet
25,000-99,999 Square Feet of Gross Floor Area	80 Feet
Less than 25,000 Square Feet	30 Feet

#### SECTION 2105 PARKING AND LOADING AREA SETBACKS

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the right-of-way line of a public thoroughfare or adjoining property line by a planting strip at least ten (10) feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Ordinance.

#### SECTION 2106 HANDICAPPED PARKING PROVISIONS

- A. Special, signed parking spaces for handicapped persons shall be provided at all residential, commercial, industrial and public and semi-public facilities where twenty-five (25) or more parking spaces are required. Handicapped parking spaces shall be provided at a ratio of one (1) handicapped parking space for every twenty-five (25) regular parking spaces or fraction thereof.
- B. The handicapped parking space shall have a minimum stall width of twelve (12) feet. Such spaces shall be clearly marked by a permanent sign indicating that the space(s) is (are) reserved for handicapped persons. Handicapped parking spaces shall be given locational preference within the parking area and with respect to building entrances; i.e., they shall be located as conveniently as possible to principal entrances.

## ARTICLE XXI

### SIGNS

#### SECTION 2201 APPLICATION

Signs may be erected and maintained only in compliance with the provisions of this Section, other Sections of this Ordinance and any and all regulations of Harborcreek Township relating in any way to the erection, location, size, height, use, number, lighting, operation, alteration or maintenance of signs, billboards, banners and other similar advertising devices as defined.

#### SECTION 2202 GENERAL INTENT

The sign regulations, controls and provisions set forth in this ordinance are made in accordance with an overall plan and program for the public safety, area development, preservation of property values, and the general welfare of Harborcreek Township and are intended to aid in traffic control and traffic safety; preserve and protect property values, lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, highways, and the areas adjacent to those roads, streets and highways; preserve the wholesome and attractive character of Harborcreek Township and to recognize that the general welfare includes a community plan that shall be beautiful as well as healthy, spacious as well as clean, and well balanced in its growth and development.

#### SECTION 2203 DEFINITIONS

- A. The following words and phrases, when used in this Ordinance, shall have the meaning given in this Section:
1. Sign: A sign is any structure, device, light or natural object including the ground itself or any part thereof or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, produce, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word sign shall include the structure which supports the sign face as well as the sign face itself. The word sign shall not include signs which are affixed to the inside of windows and glass doors of enclosed buildings except for illuminated or animated show windows. No other indoor sign shall be deemed a sign within this ordinance.
  2. Free Standing Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground.
  3. Permanent Sign: Any sign which is not a temporary sign.
  4. Projecting Sign: A sign which projects perpendicular from, and is supported by, a wall of a building.
  5. Temporary Sign: A sign constructed of cloth, canvas, fabric, wood, or other similar material with or without a structural frame and intended for a limited period of display.
  6. Wall Sign: A sign which is attached directly to or painted upon a building wall and which does not extend more than ten (10) inches therefrom, nor extend above the roof line.
  7. Roof Sign: Any sign erected and maintained upon or above the roof of any building.

8. **Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
9. **Illuminated Sign:** A sign that provides artificial light directly, or through any transparent or translucent materials, from source of light connected with such or a sign illuminated by a light focused upon or directed chiefly at the surface of the sign.
10. **Ground Sign:** A ground sign is a freestanding sign of the following types:
  - a. **Monument Sign:** A monument sign is placed directly on the ground having a solid base beneath the longest horizontal dimension of the sign.
  - b. **Pole Sign:** A pole sign is attached to a pole or poles directly into the ground.
11. **Off-Premises Advertising Sign:** A sign which contains a message unrelated to a business or profession conducted upon the premises where such sign is located, or which is unrelated to a commodity, service or entertainment sold or offered upon the premises where such sign is located.
12. **Billboards:** Off-premises advertising structures not directly related to a use conducted on the premises.
13. **Premises:** The area occupied by a business or other public enterprise. When more than one business occupies a single building on the ground floor, each business area shall be considered a separate premise. Businesses or other public enterprises which occupy other floors shall be considered separate premises.
14. **Shopping Center:** A cohesive unit of two or more stores or other commercial businesses arranged and constructed according to a plan and contained within a separate parcel of land.
15. **Political Sign:** Any sign which advocates a candidate for public office, or which supports a particular political party or a position on an issue to be determined at an election. Political signs are not to be classified as temporary or permanent.
16. **Ideological Sign:** A non-commercial sign which expresses a religious, political, social or other philosophical message. Ideological signs are not to be classified as temporary or permanent.
17. **Portable Signs:** Signs that are placed, erected or constructed on any movable or portable base, sled, trailer vehicle, stand or device of any type where the principal use of such base, sled, trailer vehicle, stand or device is for the purpose of displaying a sign face which is capable of being moved or transported from one location to another.
18. **Sign Area:** Sign area is the total area of the sign face exclusive of perimeter framing that may be a part of the sign or sign support system. On dual-faced signs only the area of one sign face (the largest face) shall be used in calculating the area of the sign face and/or in calculating the total permitted sign area per premise. When individual letters are mounted separately on the surface of a building wall, the spaces between said letters shall be included in calculating the area of the sign.

#### SECTION 2204 SIGNS PERMITTED IN ALL ZONE DISTRICTS

- A. (Unless where otherwise restricted) – Signs listed in this Section are permitted in all Zones and shall not require licenses except where specifically required and shall not be counted when calculating the number of signs on a premise. However, such signs shall conform to the general regulations for signs enumerated in the remainder of this Section. Any deviation from the standards set forth in this Section shall require a variance.

1. Real Estate Lot Signs: For sale or for rent signs may be permitted on the property to be sold or to be rented, limited in number to two (2) per street frontage of premises to be sold or rented and in size to a maximum of six (6) square feet in all A and R zones and twenty-five (25) square feet in all B and I zones and said signs are to be removed promptly upon the sale or rental of said property. Such signs shall not be illuminated.
2. Real Estate Development Signs: Signs advertising the sale and development of the premises upon which they are erected, may be erected and maintained in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
  - a. The size of any such sign shall not exceed twenty (20) square feet in area and shall be located not less than twenty (20) feet from the right-of-way line of any street, and fifteen (15) feet from any side property line.
  - b. No such sign may be illuminated or shall exceed six (6) feet in total height above ground level.
  - c. Not more than two (2) signs may be placed upon any property held in single and separate ownership.
3. Temporary Holiday Decorations and lights, unless determined by the sign inspector to constitute a hazard to public safety.
4. No Trespassing Signs or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than two (2) square feet in sign area in residential zones and five (5) square feet in all commercial and industrial zones.
5. Garage and Yard Sale: Signs indicating the location and occurrence of a garage or yard sale shall be permitted during the time period of said sale, the size of which shall not be in excess of six (6) square feet, with no more than two (2) signs permitted on the property where the sale is occurring, and said signs are to be removed promptly after the completion of said sale.
6. Auction sale: Signs indicating the location and occurrence of an auction sale shall be permitted during and seven (7) days prior to the time period of said sale, the size of which shall not be in excess of six (6) square feet, with no more than two (2) signs permitted on the property where the sale is occurring, and said signs are to be removed promptly after the completion of said sale.
7. Signs Regulating On-Premises Traffic, Parking or other functional areas, such as lavatory facilities, telephone, signs denoting other sections of a building such as lubrication, office, etc. when less than five (5) square feet in area and bearing no commercial advertising, whatsoever. Such signs shall be limited to the words "entrance", "in", "exit", "out", "parking" and may also have arrows or other appropriate directional indicators.
  - a. For high-type mountings, such sign shall be not less than eight (8) feet or more than ten 10 feet from the ground.
  - b. The total height of the sign shall not be more than three (3) feet from ground grade for a low type mounting when required for sight distance situations.
8. Political Signs and Ideological Signs: Political signs and ideological signs, as well as all other signs, except those erected by a government body, are not permitted on utility poles or trees within the road right of way or on public property; and those erected thereon shall be removed and the cost or removal shall be charged to the person(s) responsible for the placement of said signs.
9. Contractor Signs: Not more than twelve (12) square feet in area naming the contractor, mechanic or painter engaged in the construction on premises where the sign is located but only during such period in which actual construction is taking place.

10. Signs Erected By A Government Body, or under the direction of such body, and bearing no commercial advertising, such as traffic signs, a railroad crossing sign, safety signs, signs identifying public schools and playgrounds, special event signs and the like.
11. Memorial Signs or Tablets and signs denoting the date of erection of buildings.
12. The Flag, Pennant or Insignia of Any Government or of Any Religious charitable, or fraternal organization.
13. Permanent Residential Development Signs: at major entrances designed to identify a residential subdivision and containing no commercial advertising. Maximum face area: twenty (20) square feet. Said sign shall not be internally illuminated.
14. Non-Profit Organization's Fund Raising Sales: Temporary signs indicating the location and occurrence of a non-profit organization's fund raising sale or event shall be permitted during and thirty (30) days prior to the time period for such sale. All signs pertaining to said sale or event shall be removed within two (2) weeks after the end of the sale or event.
15. Temporary Produce Sale Signs: Signs advertising the sale of farm and/or garden products grown on the premises within the Agricultural and Rural Residential Districts are permitted as temporary signs for the duration that such products are available. Such signs shall not exceed five (5) square feet in area, shall be limited to four (4) signs per premises and shall not be located within the road right-of-way.
16. Nameplate Signs: indicating the name and address of the occupant of the premises may be erected and maintained, provided:
  - a. No more than two (2) such signs are erected and maintained on a property in single or separate ownership of not more than two (2) square feet per sign.
  - b. Such signs may be illuminated as described under Section 2203 A (9).
17. An Identification Sign: Located on the premises or building which serves only to tell the name or use of any public or semi-public building or recreational place, fire department, lodge, club, church, apartment building, farm or estate, school, hospital, sanitariums, or other institution of a similar approved nature may be erected and maintained, provided:
  - a. The size of any such sign shall not exceed thirty-two (32) square feet.
  - b. No more than one (1) such sign shall be erected on a property in single or separate ownership which sign may be either freestanding or wall mounted.
  - c. Illumination: Identification signs may be illuminated as described under Section 2203 A (9).

#### SECTION 2205 SIGNS PROHIBITED IN ALL DISTRICTS

- A. The following signs shall not be permitted, erected or maintained in any district, notwithstanding anything else contained in this Ordinance or elsewhere. Signs which are prohibited in paragraphs marked with an asterisk (\*) shall be removed or brought into conformity with the provisions of this Ordinance within six (6) months after the Ordinance is passed.
  1. Hanging signs which simply swing in the wind and clocks and time and temperature signs and barber poles may be exempted provided they comply with all other provisions of this Ordinance. Time, date and temperature signs may include devices indicating digital time and temperature.

2. Light sources, which cast light on signs, shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located.
3. Any sign or sign structure which constitutes a hazard to public safety or health.
4. Signs, which by reason of size, location, content, coloring, or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exit way.
6. Signs which make use of words such as "STOP", "LOOK", "ONE-WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights, or characters in such a manner as to interfere with, mislead or confuse traffic.
7. Any obsolete sign, which no longer advertises a bona fide business conducted, or a product sold. In any case, sixty (60) days shall be allowed for removal of an obsolete sign.
8. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body. No sign located on public property or a public right-of-way shall bear any political, ideological, commercial, advertising, or announcement message or combination thereof.
9. Off-premise advertising signs and billboards which advertises a business, service, industry, commodity, product or entertainment which is not available on the premises where the sign is located.
10. Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object, except signs permitted under yard sales, garage sales, non-profit fund raising, no trespassing and temporary produce sale signs.
11. String lights or bare bulb illumination, other than temporary holiday decorations, which are unshielded from off the property on which they are located.
12. Flame as a source of illumination.
13. Searchlights are not permitted. Pennants, banners, spinners, streamers or balloons are not permitted except for occasions such as grand openings and then only with special written permission of the Zoning Officer. Use shall be limited to a fifteen (15) day period and shall not be erected again for a period of thirty (30) days thereafter.
14. Roof signs.

#### SECTION 2206 GENERAL SIGN AREA, HEIGHT, AND NUMBER REGULATIONS IN COMMERCIAL AND INDUSTRIAL ZONES

- A. Limit on Number of Signs per Premise: Notwithstanding anything else in this Ordinance or elsewhere, no more than five (5) signs may be erected or maintained on any premise at any one time; except that when a premise is located on a corner lot and has public entrances on two or more public ways, or where a building has both a front and a rear public entrance, one (1) additional sign may be erected. In calculating the total number of signs on a premise, both permanent and temporary signs shall be combined in the total. A double-faced sign shall count as a single sign. "Signs permitted in all districts" shall not be counted in calculating the total. This limitation on the number of signs shall not apply to political signs or ideological signs as defined herein.

- B. Limit on the Height of Signs: No sign, or any part thereof, including braces, supports, or lights shall exceed a height of twenty (20) feet. Height shall be measured from grade level directly below the face of the sign to the highest part of the sign. However, pedestal (pole) signs intended to be read from I-90 shall have a maximum height of fifty (50) feet above the nearest surface of the interstate roadway. Reasonable variances to the height limitation may be allowed where the characteristics of the specific site on which the sign is to be located are incompatible with the fifty (50) foot height. Site characteristics requiring variation may include the topography and vegetation of the area, the distance at which the sign becomes visible and the resultant legibility of the sign and compatibility with the character of the site.
- C. Mounted Wall Signs Limit on Sign Area: The total sign area per premise, including both permanent and temporary signs, shall not exceed 1.5 times the unit width, exclusive of any permitted free standing sign.
- D. Display of Advertising Sign Boards may be erected and maintained in commercial and industrial districts, only when such signs relate directly to the use conducted on the property or carried on within such building.

Section 2207 SPECIFIC SIGN AREA, HEIGHT AND NUMBER REGULATIONS IN COMMERCIAL AND INDUSTRIAL ZONES

- A. Projecting Signs: In addition to the general provisions of this Ordinance, the following regulations shall apply to all projecting signs.
  - 1. No projecting sign shall project more than five (5) feet beyond the face of the building, nor shall any portion of the projecting sign be closer than two (2) feet to the face of the street curb or curb line.
  - 2. No portion of any projecting sign shall be less than ten (10) feet above grade level.
  - 3. No single face of a projecting sign shall exceed fifteen (15) square feet in sign area.
  - 4. No projecting sign shall have a vertical dimension greater than six (6) feet.
  - 5. There shall be no more than one (1) projecting sign for any premise unless the premise is located on a corner lot or has public entrances on two or more public ways, in which case one (1) projecting sign may be erected for and toward each public way.
- B. Wall Signs: In addition to the general provisions of this Ordinance, the following regulations shall apply to all wall signs.
  - 1. No wall sign shall extend above the top of the wall upon which it is placed unless it is an integral roof system.
  - 2. No wall sign, or any part thereof, shall project more than twelve (12) inches from the wall upon which it is mounted.
  - 3. The length of a wall sign shall not exceed 80% of the width of the building or unit to which it is attached.
- C. Free Standing Signs: In addition to the general provisions of this Ordinance, the following regulations shall apply to all freestanding signs.
  - 1. Every free standing sign and all parts, braces, and supports thereof shall be located entirely behind the public right-of-way, and no closer than ten (10) feet from the side property line.

2. The total sign area of a free standing sign shall not exceed 75% of the building width or 144 square feet, whichever is less per side for signs in any B-1 B-2, commercial districts and the industrial district. However, such signs may be increased to 300 square feet per side for signs in any B-2, only if intended to be read from interstate I-90. Each freestanding sign may have two faces.
  - a. Shopping centers may identify individual businesses below the shopping center identification sign. However, the individual business signs shall not exceed 12 sq. ft. each.
  - b. However, shopping centers in commercial districts may have one additional shopping center identification sign located along each street frontage that has an entrance to the shopping center.
3. A premises may erect and maintain one (1) projecting sign or one (1) free standing sign, but not both. However, no individual business or other enterprise within a shopping center may erect or maintain a freestanding sign. No premises may contain more than one freestanding sign except when a premise (or property) is located on a corner lot, or it has public access to two or more public thoroughfares. Then, one (1) freestanding sign may be erected for and toward each public thoroughfare.

D. Portable Signs: In addition to the general provisions of this Ordinance, the following regulations shall apply to all portable signs.

1. Portable signs used to convey information relative to the sale of a product(s) or service(s) or to promote a special event on the premises where such sign is located shall be considered as temporary signs.
2. Such signs shall not be placed on the premises more than two (2) weeks in advance of such sale or event and shall be removed within five (5) days after the completion of said sale or event.
3. Each sale or event shall constitute a separate use of a portable sign, and the maximum duration of use (time period) for a portable sign is thirty (30) days for each sale or event. The sign may not be re-established within 60 days after removal.
4. Such signs shall be limited in size to forty (40) square feet per sign face with a maximum of eighty (80) square feet for both faces--each sign may have two (2) faces.
5. Only one portable sign is permitted for each premise.
6. No portable sign shall be located within a public right-of-way or be located in a clear sight triangle.
7. Portable signs shall require a permit.
8. Portable sign lights shall not flash.

E. Home Occupation Signs

1. One unanimated, non-illuminated sign or window sign having an area not more than four (4) square feet.
2. Not more than six (6) feet in height above the average ground level.

SECTION 2208 GENERAL SIGN AREA, HEIGHT AND NUMBER REGULATIONS IN ALL RESIDENTIAL TRADITIONAL NEIGHBORHOOD DEVELOPMENT, AND PUBLIC INSTITUTIONAL ZONES

- A. All signs are prohibited in residential zones except home occupation signs and those signs enumerated in Section 2204.
- B. Illuminated signs are prohibited in R Zones except for name of occupant and street address signs, signs indicating doctor of medicine, signs indicating places of worship, institutional signs and signs necessary for public safety.

SECTION 2209 ADDITIONAL SIGN REQUIREMENTS

- A. Signs may be erected and maintained as herein permitted, provided such signs are located in accordance with the following minimum sight visibility requirements.
  - 1. Sight visibility at public street or highway intersections:
    - a.. No sign, structure, wall or other obstruction to sight view shall be erected or maintained within the clear sight triangle above a height of three (3) feet in elevation above the grade level.
    - b. A clear sight triangle shall be maintained at all street intersections or other established or proposed points of entry on to a public road or street.
- B. No sign shall be illuminated in any way that confuses, blinds, distracts or hinders the view of pedestrians and operators of motor vehicles on the highways or streets adjacent to such signs.
  - 1. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.
  - 2. Flood lighting shall be arranged so that the sources of light are not visible from any point off the lot and that only the sign is directly illuminated by such lighting.
  - 3. The sign may be illuminated internally, provided the source of reflected light is not directly visible or glaring.
  - 4. No sign may be illuminated by red, green or yellow light, or any combination thereof, if such sign and/or lighting will interfere with the effective visibility of a traffic signal or is to be located adjacent to a roadway so as to give the appearance of impression of a traffic signal.
  - 5. All illumination involving flashing is expressly prohibited.
- C. In addition to the other requirements of this Ordinance, every sign referred to in this Article must be constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidated.

SECTION 2210 PERMITS AND FEES FOR ERECTION OF SIGNS

- A. All permanent signs except those enumerated in Section 2204 "Signs Permitted in All Districts" must be issued a permit.
- B. Application for a permit for a permanent sign and certain "temporary" signs shall be made on a form provided by the Zoning Officer. Permits for signs must be kept on the premises where the sign is displayed and must be shown to the Zoning Officer at his request.
- C. Permits for permanent signs are valid indefinitely unless substantially improved, altered, moved or replaced. For the purpose of this section, substantial improvement or alteration is considered as a

repair, reconstruction, improvement or alteration of a sign and/or its supporting structure the cost of which equals or exceeds fifty percent (50%) of the market value of the sign and/or supporting structure either:

1. Before the improvement, alteration or repair is started; or
  2. If a sign and/or its supporting structure have been damaged and are to be repaired or restored, the value shall be based on the condition of the sign and/or support system before damage occurred.
  3. Prior to any structural alterations, movements or replacement of a sign, a new permit shall be obtained from the Zoning Officer. Such permit shall be issued only when the Zoning Officer is satisfied that such sign will, in every respect, comply with all the applicable provisions of this Ordinance.
- D. Permits for temporary signs, where required, are valid only for the duration of the sale or event for which they are issued.
- E. Any person desiring such a permit shall file an application therefore upon a form which shall contain or have attached thereto the following information:
1. Name, address and telephone number of applicant.
  2. A map or site plan showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares. Such a map or site plan must be to scale.
  3. A plan showing the design of sign, materials used, and method of construction and means of attachment to the building or the ground; such plans must be to scale.
  4. Name of person, firm, corporation or association erecting, altering or moving said sign.
  5. Any electrical or building permit required and issued for said sign under other township ordinances.
  6. Any other information as the Zoning Officer shall require in order to show full compliance with this and all other applicable laws of the Township.
- F. Every applicant shall pay to the Township building inspection agency the prevailing fee(s) for the sign included in the application before the Zoning Officer/Building Code Official shall issue the sign permit. The prevailing permit fees shall be established by Resolution of the Township and may be subsequently revised by resolution to accurately reflect review and inspection costs.
- G. All permits for permanent signs shall be subject to an annual review by the Zoning Officer to insure that the sign still conforms to the original application information and that no changes have been made to the sign without a revised application.
- H. Permit Exceptions: The following operations shall not be considered as creating a sign and shall not require a permit.
1. Replacing Copy: The changing of the advertising copy of message on an approved painted sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy. This would include the replacement of translucent panels only with no box of electric alterations. This provision shall not apply to painted lettering, symbols, etc., which utilize a building for the sign surface. Any such signs may only be repainted in accordance with Section 2210 "Permits and Fees for Erection of Signs" of this Ordinance and shall be considered a new sign.

2. Maintenance: Cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
  3. No signs shall be erected containing information which implies that a property may be used for any purpose not permitted under the provisions of this Zoning Ordinance.
- I. Permit for Non-Conforming Signs: All signs which are in existence at the adoption of this Ordinance, or amendment thereto, but which do not conform to one or more applicable provisions of this Ordinance shall be eligible for a sign permit, except: (1) those signs denoted with an asterisk (\*) in Section 2205, "Signs prohibited in All Districts" and (2) signs which have been (in an unauthorized manner) moved, replaced, structurally altered or repainted except where otherwise permitted.

#### SECTION 2211 NON-CONFORMING SIGNS

- A. All signs that have been in the same location since before June 1, 1959, and are non-conforming with respect to this Ordinance shall be allowed to continue and be permitted as a non-conforming sign.
- B. Non-conforming signs that are or have been moved, replaced, repainted or structurally altered without the required permit shall be removed by order of the Zoning Officer.
- C. Non-conforming signs that are proposed to be replaced, moved, repainted (except where otherwise permitted) or structurally altered shall be considered new signs and must conform in every respect to provisions of this Ordinance.
  1. Damage or destruction: In the event that any non-conforming sign is damaged and the repair cost exceeds twenty-five percent (25%) of the sign's value (sign face and supporting structure), as calculated at the time of damage or destruction, such sign shall not be restored or replaced and shall be ordered removed by the Zoning Officer.
- D. Any non-conforming sign or billboard which is discontinued or not used for three (3) months shall not be permitted to be reused; and if any such billboard is removed, it shall not be reconstructed unless it complies with the provisions of this Ordinance. In the latter case, it shall be considered as a new sign.

#### SECTION 2212 ERECTION AND MAINTENANCE CODE

- A. All signs shall be designed and constructed to meet Uniform Construction Code requirements.
- B. All signs together with all of their supports, braces, guys and anchors shall be kept in good repair and in a proper state of preservation; and all ground in the immediate vicinity of any sign shall be kept clean and sanitary and free of obnoxious substances/materials and unsightly conditions. All signs shall be maintained in good condition, so as to present a neat and orderly appearance. Neglected or dilapidated signs include the following: rust or holes on or in the sign or sign structure or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

#### SECTION 2213 PENALTIES

- A. A sign permit shall be issued for all signs requiring a permit, and there shall be a sign inspection; and all signs not constructed, erected or maintained according to provisions of this Ordinance, the sign permit, or Section 2212 shall be repaired within fifteen (15) days of notification or said signs shall be removed at the owner's expense.
- B. The erection or placement of a sign without a permit as required by this Ordinance or the failure to remove a sign as required by this Ordinance and/or the Zoning Officer shall constitute a violation of this Ordinance. Fines and penalties shall be in accordance with Articles 24 and 26 of this Ordinance.
- C. Each sign shall constitute a separate offense, and each day that each sign is erected in violation of this Ordinance shall also be considered as a separate offense.

ARTICLE XXIII  
NON-CONFORMING USES, STRUCTURES AND LOTS

SECTION 2301 INTENT AND STANDARDS

- A. Within the districts established by this ordinance or amendments that may later be adopted there may exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.
- B. It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded as determined by the Zoning Hearing Board.
- C. A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by:
  - 1. By the addition of other uses, if such additions are of a nature which would be prohibited generally in the district,
  - 2. Attachment of additional signs to a building, or
  - 3. The placement of additional signs or display devices on the land outside the building.
- D. Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been continuously carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be continuously carried on until the completion of the building involved.

SECTION 2302 NON-CONFORMING LOTS OF RECORD

For non-conforming lots of record the owner shall apply to the Zoning Hearing Board for the appropriate variances for the use of said lot. If two or more lots with continuous frontage in single ownership and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance. No portion of said parcel shall be used which does not meet lot width and area requirements established by this ordinance. Nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

SECTION 2303 NON-CONFORMING USES OF LAND

Where lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, subject to the following provisions:

- A. No such non-conforming use shall be expanded, occupy a greater area of land than was occupied at the effective date of this Ordinance, except as specified by Article XXIV.
- B. No such non-conforming use shall be moved to any other position of the lot occupied by such use at the effective date of this Ordinance.
- C. If any such non-conforming use of land ceases for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.

SECTION 2304 NON-CONFORMING STRUCTURES

Where a lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A structure may be enlarged or altered one time without application to the zoning Hearing Board provided that such expansion does not entail an increase in gross floor area of greater than 25 percent as determined and approved by the zoning officer.
- B. Should such structure be destroyed by any means, it may be rebuilt provided the use and intensity of use is no more objectionable or no greater than existed prior to destruction. Application for permit to rebuild a non-conforming structure shall be filed within twelve months of the date of destruction otherwise it shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board.
- C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after moved.

#### SECTION 2305 NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure or of a structure and premises in combination exists that would not be allowed in the district, the lawful use may be continued subject to the following provisions:

- A. An existing structure devoted to a use not permitted in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered upon granting of a variance by the Zoning Hearing Board.
- B. Any non-conforming use may be extended throughout any parts of a building, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require additional conditions and safeguards.
- D. Once a non-conforming use is superseded by a permitted use, the non-conforming use shall not be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months, they shall not be used except in conformance with the regulations of the district in which it is located.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### SECTION 2306 REPAIRS AND MAINTENANCE

- A. On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a zoning permit.
- B. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charge with protecting the public safety, upon order of such official.

#### SECTION 2307 USES GRANTED UNDER SPECIAL EXCEPTION PROVISIONS

Any use for which a special exception is granted shall be deemed a conforming use.

ARTICLE XXIV

ADMINISTRATION AND ENFORCEMENT

SECTION 2401 ADMINISTRATION OFFICER

The duty and authority of administration and enforcement of the provisions of this Ordinance is hereby conferred upon the Zoning Administrator and his or her subordinates and/or designees, who may not hold an elective office in Harborcreek Township

SECTION 2402 APPLICATION FOR ZONING PERMIT

- A. When Permit Required An application shall be submitted to the Zoning Administrator for the following activities, and it shall be unlawful and a violation of this Ordinance for any of the following activities to commence without a Zoning Permit first being issued in accordance with this Article:
1. Excavation for foundation;
  2. Construction or alteration of any building or structure;
  3. Construction of an addition to a building or structure;
  4. Demolition or moving of a building or structure;
  5. Making or effecting a change of occupancy or use of vacant land or any building or structure;
  6. Movement of a lot line which affects an existing structure, such movement being subject to regulations established in the Township's Subdivision and Land Development Ordinance;
  7. Construction or alteration of any drive or other access to a Township street or State highway;
  8. Occupancy of any street or highway with building materials or of temporary structures for construction purposes.
  9. Construction or installation of swimming pools or spas holding over 24" of water in depth.
  10. Construction or alteration of signs.
  11. Construction of fences having a height in excess of six feet (6').
- B. Repairs Application or notice to the Township is not required for ordinary repairs to buildings or structures, but such repairs shall not include: the cutting away of any wall, partition or portion thereof; removal or cutting of any structural beam or loadbearing support; removal or change of any required means of egress and/or rearrangement of parts of a structure affecting the egress requirements; or addition to, alteration of or replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, mechanical or other work affecting the public health or general safety. **NOTE: Certain repairs will require issuance of a UCC permit and inspection(s) under the Uniform Construction Code Ordinance, even where a Zoning Permit is not required.**
- C. Form of Application The application for a Zoning Permit shall be submitted in such written form as the Board of Supervisors shall adopt or prescribe, and must be accompanied by the fee therefor required under Resolution(s) adopted by the Board of Supervisors. An applicant shall provide all documents and information required under this or any other ordinance.
- D. By Whom Application Made Application for a Zoning Permit shall be made by the owner or lessee of the building or structure, or authorized agent of either, or by the building contractor or design professional employed or retained by such owner or lessee in connection with such work.

1. If the application is made by a person other than the owner in fee of the property, it shall be accompanied by an affidavit of the owner to the effect that the proposed work is authorized by the owner in fee, that the person making such application is authorized to do so on behalf of the owner; and that the owner shall be bound by all representations made on the application and by all regulations governing issuance of any permit(s).
2. The full names and addresses of the owner, applicant and the responsible officers, if the owner or the applicant is a corporation, shall be set forth in the application.

E. Application Requirements In addition to other requirements imposed under this Article or other ordinance of the Township, all applications for a Zoning permit shall include:

1. **Description of work** - a general description of the proposed work, the location of the proposed work, the occupancy prior to and after the proposed work of all the building and/or structure and of all portions of the site or lot not covered by the building or structure and such additional information as is required by the Zoning Administrator.
2. **Proper Zoning** - The applicant shall establish that the land as zoned may lawfully be used as proposed, and that all regulations of this Ordinance are complied with. No permit shall be issued unless the use proposed is expressly permitted in the Zoning Ordinance and all applicable regulations are complied with, absent an adjudication of the Zoning Hearing Board authorizing such use and construction.
3. **Site Plan** - An application for a Zoning Permit for any building or structure other than a one-family or two-family dwelling shall be accompanied by a site plan showing to scale the actual dimensions of each lot to be built upon, the size and location of all new construction and all existing buildings or structures on the site, distances from lot lines, established street grades and proposed finished grades, drawn in accordance with an accurate boundary line survey, together with such additional information as the Zoning Administrator may require to determine that the proposed structure and/or use of land conforms to the regulations of this Ordinance.
  - a. An application for a Zoning Permit proposing construction, alteration, reconstruction or other action as to a one-family or two-family residential dwelling shall set forth a plot plan showing the property lines, the location of all new or proposed construction and all existing buildings or structures on the site, distances from lot lines and such additional information as the Zoning Administrator may require to determine that the proposed structure and/or use of land conforms to the regulations of this Ordinance.
  - b. In cases of proposed construction activity other than one- and two-family residential dwellings, data from approved land development plans or plan amendments may be incorporated in the permit application in lieu of a new site plan.
  - c. In cases of proposed construction activity involving additions or renovations to buildings other than one- and two-family residential dwellings which do not require a land development plan or plan amendment, the Zoning Administrator shall be authorized to accept that plot plan generally required for one- and two-family residential dwellings unless a formal site plan is deemed necessary in the circumstances.
  - d. Where public sewer is not available, the site plan shall indicate the location of a private sewage disposal system.
  - e. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing buildings and structures that are to remain on the site or lot after demolition.
  - f. The site plan as set forth in the Zoning Permit as issued shall be the same as that submitted and approved for a construction or other UCC permit under the UCC

Ordinance. No deviations from the site plan included in the approved Zoning Permit shall be allowed absent prior written approval by the Zoning Administrator.

4. **Grading Plan** - A grading plan meeting all Township specifications shall be submitted with an application for Zoning Permit where required, and shall be complied with in the course of construction pursuant to the Zoning Permit and the UCC permit.
5. **Stormwater Management Plan** - If required, a stormwater management plan for the premises shall be submitted, reviewed, certified and implemented at the applicant's cost in accordance with the Stormwater Management Ordinance and the Subdivision and Land Development Ordinance prior to issuance of any Zoning Permit.
6. **Access to State Highways and Township Streets** - No permit authorizing access to a State highway shall be issued until the applicant submits to the Zoning Administrator a highway occupancy permit issued by the Department of Transportation authorizing the access as proposed. No permit proposing access to a Township street by a use greater than minimum traffic volume shall be issued until such proposed access has been authorized by the Board of Supervisors in its approval of a subdivision plan or land development plan or otherwise. The Zoning Administrator may grant permits for minimum traffic volume access to a Township street where all conditions for such access have been met.
7. **Approvals Required** - No Zoning Permit or Use Certificate shall be issued unless the applicant submits with the application therefor written confirmation or photocopies of all approvals of Township and other governmental agencies required prior to such construction and/or use, these including but not limited to:
  - a. If a building or structure is to be served by public sewer, a copy of the issued permit to connect to the sewer system;
  - b. If a building or structure is to be served by on-lot septic, a copy of the Erie County Department of Health's septic approval for the proposed building, structure and/or use;
  - c. If a building or structure is to be served by public water and water mains do not abut the premises, written confirmation by the water authority that it is prepared to extend such mains and that applicant has furnished all required applications and fees therefor;
  - d. If required, recordation of an approved subdivision or land development plan;
  - e. If required, a decision of the Zoning Hearing Board authorizing issuance of such permit.
8. **Service Connections (Demolition)** - Before a building or structure is demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure. A Zoning Permit authorizing the demolition or removal of a building or structure shall require that prior to issuance of a UCC permit, the owner shall submit to the UCC building code official a certification that all service utilities and adjacent property owners have been notified of the proposed demolition and that service connections have been removed. Such certification shall be sworn or affirmed to before a Notary Public or verified subject to the penalties governing unsworn falsification to authorities.

F. Conditions on Permits

1. A Zoning Permit issued shall authorize only the use or construction specified on the permit and application, and no other.
2. A Zoning Permit shall not be issued until the fees prescribed therefor have been paid.
3. No Zoning Permit or Use Certificate shall be issued until all information required for its

issuance has been submitted in proper form to the Zoning Administrator.

4. All work shall conform to the approved application for which the Zoning Permit has been issued and any approved amendments to the approved application or permit.
5. All new work shall be located strictly in accordance with the approved site plan or plot plan.
6. If the land subject to the proposed building, structure, renovation and/or addition is located within a subdivision or land development previously approved by the Board of Supervisors, the owner(s) shall be responsible for ensuring that all grading, stormwater management, easements, conditions and other terms imposed on the approved plan are preserved and/or complied with during and after construction. A grading plan shall be required whenever revision to the approved grading plan is proposed.
7. If the applicant proposes to construct sidewalks and/or a driveway or other street access, the owner shall be responsible for ensuring that such sidewalks, driveway(s) and other street access are constructed in full conformity with Township specifications.
8. A Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance, the Uniform Construction Code Ordinance or any other ordinance or regulation governing the work, except as specifically stipulated by legally granted variance as described in the application.
9. No Zoning Permit shall be issued to any applicant or owner who is then in violation of the terms of a foundation permit, Zoning Permit, UCC permit, development plan approval or agreement, Use Certificate, UCC occupancy certificate or other governmental approval and/or Township ordinance or regulation.

G. Amendments to Applications

1. Subject to the limitations of Section 2305, amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the Zoning Permit is sought or issued.
2. Such amendment(s), if approved and accompanied by any required fee, shall be deemed part of the original application and shall be filed therewith.

SECTION 2403 Use Certificate

- A. No vacant land shall be occupied or used and no structure erected, reconstructed, structurally altered or changed in use until a Use Certificate has been issued by the Zoning Administrator after proper application therefor and payment of fees prescribed for such certificate.
- B. Where required under this Ordinance, a Use Certificate shall serve as confirmation that a property is zoned for the use proposed in the application and that requirements established in this Ordinance and/or the Subdivision and Land Development Ordinance for application for, issuance of and compliance with permits as issued have been met. A Use Certificate shall not be deemed or interpreted to constitute a certification by Harborcreek Township that construction, reconstruction, alteration, demolition or other like activity has been conducted in accordance with standards prescribed in this Ordinance, nor shall it be presumed to involve an inspection of such construction activity.
- C. A Use Certificate shall also be required in order to maintain, renew, change, expand or extend a nonconforming use existing at the time of the enactment of the Zoning Ordinance and Zoning Map, and shall state that the use does not conform with the provisions of the Zoning Ordinance and/or Zoning Map.
- D. A Zoning Permit, either for the whole or any part of a new building or structure or for alteration of an existing building or structure, shall be applied for contemporaneously with application for a building

permit, at which time the fees prescribed therefor shall be paid in full.

- E. A Use Certificate for use or occupancy of vacant land or for the change in use of land or for the change in use of an existing building or structure shall be applied for and issued before any change in the use of land or of any building or structure may be made.
- F. A Use Certificate for use or occupancy of vacant land or for change in the use of land or of an existing building or structure not requiring a Zoning Permit, where authorized and appropriate, shall be issued by the Zoning Administrator or his or her subordinate within ten (10) days after submission of a complete application and payment of all fees required therefor.
- G. The Zoning Administrator shall not issue a Use Certificate unless a proper application therefor has been filed and fees therefor paid at the time required under this Section.
- H. A record of all Use Certificate applications and issued certificates shall be kept on file in the office of the Zoning Administrator, and a copy shall be furnished upon request to any person having an ownership or tenancy interest in the land or building affected by such application or certificate.
- I. The Zoning Administrator shall refuse to issue a Use Certificate until and unless all requirements for its issuance have been met. If an application for a Use Certificate is not made and/or fees therefor paid in the time and manner prescribed in this Section, no Use Certificate shall be warranted or issued.

#### SECTION 2404 PERMITS

##### A. Action on Application

- 1. The Zoning Administrator shall examine or cause to be examined all applications for permits and certificates and amendments thereto within a reasonable time after filing of all required documents.
- 2. If the application does not conform to the requirements of all pertinent laws, the Zoning Administrator shall reject such application in writing, stating the reasons therefor.
- 3. If the Zoning Administrator is satisfied that the proposed work conforms to the requirements of this and other applicable ordinances, he or she shall issue a permit or certificate therefor as soon as practicable.

##### B. Suspension or Revocation of Permit A Zoning Permit issued under this Article may be suspended or revoked by the Zoning Administrator if it is determined that the terms of the permit as issued have been violated, that conditions imposed on the permit as issued have not been satisfied by the applicant in timely fashion or that applicant has failed to commence or complete work authorized within the time period authorized by the permit. If Township officials responsible for enforcement of ordinances other than the Zoning Ordinance which pertain to the authorized activity notify the Zoning Administrator that such regulations have been violated or that required conditions have not been complied with, the Zoning Administrator shall act to suspend or revoke the issued Zoning Permit.

- 1. Where a Zoning Permit has been issued in connection with an activity that is subject to regulation under the UCC Ordinance, the Zoning Administrator shall notify the UCC building code official promptly upon suspension or revocation of a Zoning Permit.
- 2. Enforcement of regulations under Township ordinances other than this Zoning Ordinance shall be within the authority of those officials to whom such responsibility has been delegated by the Board of Supervisors.

##### C. Signature to Permit The signature of the Zoning Administrator or his or her designee shall be attached to every permit or certificate issued.

##### D. Form of Permit Applications for permits or certificates shall be submitted on such written form(s) as

the Board of Supervisors shall adopt from time to time.

#### SECTION 2405 TIME LIMITATIONS ON APPLICATIONS AND PERMITS

- A. An application for a Zoning Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; provided, that the Zoning Administrator shall have authority to grant one or more extensions of time for additional periods not exceeding ninety (90) days each where good cause is shown.
- B. A Zoning Permit shall become invalid if the applicant has not obtained a UCC building permit, where required, within six (6) months after issuance of the Zoning Permit, or if the authorized work has not commenced within six (6) months after the date on which the Zoning Permit or UCC building permit for the activity was issued, whichever is later.
- C. Authorization granted by the Zoning Hearing Board or a Court of appropriate jurisdiction under a variance allowing issuance of a permit shall be valid for a period of six (6) months from the date of the Zoning Hearing Board's or Court's decision, whichever is later, and shall expire and become null and void if an application for the authorized permit is not submitted as required by this Article within six (6) months after the date of said decision.

#### SECTION 2406 POWERS AND DUTIES OF ZONING ADMINISTRATOR

- A. The Zoning Administrator and such assistants and subordinates as are designated by the Board of Supervisors shall have such duties and powers as are necessary to administer and enforce this Ordinance, including but not limited to the following, which shall apply to the Zoning Administrator and all other authorized employees:
  - 1. Such officials shall receive and act upon applications for Zoning Permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures, Use Certificates, construction of foundations and other matters addressed in this Ordinance, and enforce compliance with the provisions of this Ordinance.
  - 2. Such officials shall receive and refer to the Zoning Hearing Board all applications for variance, use on special exception and other matters within the jurisdiction of said board.
  - 3. Such officials shall receive and refer to the Planning Commission and Board of Supervisors all petitions requesting rezoning of properties.
  - 4. Such officials shall refer to the Board of Supervisors such other applications or petitions as are directed to the Board of Supervisors for action.
  - 5. Such officials shall receive and review applications for subdivision waiver approval.
  - 6. Such officials may, with the prior approval of the Board of Supervisors, engage such expert opinions as the Board of Supervisors deems necessary to report upon unusual technical issues which arise.
  - 7. Such officials shall be responsible for enforcement of this Ordinance.
  - 8. Such officials shall approve and issue a permit or certificate only when all requirements for its issuance have been met.
  - 9. Where all requirements for a permit or certificate have not been met, such officials shall in writing deny such application, the writing to state the reason(s) for such denial.
  - 10. Where a permit or certificate has been issued in reliance upon information submitted by the applicant which is later found to be materially untrue, or has been issued improvidently, such

officials shall have authority to revoke such issued permit or certificate. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate was issued via U.S. certified mail.

11. Such officials shall make such investigations as they deem necessary or appropriate in performance of their duties, and shall carry proper identification should they inspect buildings or premises in the performance of their duties.
12. Such officials shall issue all notices or orders necessary to act upon applications and ensure compliance with this Ordinance.
13. Such officials shall issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit or certificate.
14. Such officials are authorized to register nonconforming lots, structures and uses.
15. Such officials shall communicate with the building code official retained by the Township to administer and enforce the Uniform Construction Code, and shall receive and maintain on file reports, permits, certificates and other documents received from said building code official. Communications shall include all necessary or appropriate to proper administration of the ordinances, including but not limited to notices of violation of the respective regulations and assistance in enforcement proceedings.
16. Such officials shall issue all notices and prosecute all actions necessary to enforce this Ordinance and permits or certificates as issued.

#### SECTION 2407 COMPLETION OF BUILDINGS

All buildings and structures started within six (6) months prior to the enactment date of the ordinance amending this Article and not in conformity therewith shall be discontinued, provided:

1. No substantial construction has been made and construction is not prosecuted without delay and completed within a period of one year from said date; or
2. No contract or contracts have been let.

#### SECTION 2408 FEES

- A. Fees shall be charged and shall be paid at the time any permit or renewal thereof or Use Certificate is presented and filed, in accordance with the schedule of fees established from time to time by Resolution of the Board of Supervisors.
- B. Petitions requesting rezoning of property shall be accompanied by a filing fee as prescribed in the schedule of fees established from time to time by the Board of Supervisors to defray costs of advertising, processing and professional services.
- C. Each appeal or application to the Zoning Hearing Board or Board of Supervisors, exclusive of appeals from action of the Zoning Administrator, shall be accompanied by a filing fee as prescribed in the schedule of fees established from time to time by the Board of Supervisors to defray costs of advertising, processing and professional services. No such application or appeal shall be deemed filed until the Zoning Administrator receives all required documents and the filing fees therefor.
- D. Each appeal to the Zoning Hearing Board challenging propriety of action by the Zoning Administrator shall be accompanied by a filing fee as prescribed in the schedule of fees established from time to time by Resolution of the Board of Supervisors to defray costs of advertising, processing and professional services. No such application or appeal shall be deemed filed until all of the required documents and filing fees therefor are received by the Zoning Administrator.

## SECTION 2409 ADMINISTRATION

- A. The Zoning Administrator shall retain in permanent files all applications for zoning permits, use certificates, petitions for rezoning, applications for variance or use on special exception, appeals and other documents submitted to the Township or to the Zoning Hearing Board pursuant to this Ordinance and all decisions thereon.
- B. The Zoning Administrator shall retain in permanent files all construction permits, final inspection reports and occupancy certificates issued under the Uniform Construction Code Ordinance and received from the building code official under that ordinance.
- C. The Zoning Administrator shall submit to the Board of Supervisors monthly and annual written reports of UCC construction permits and of zoning permits for activities which are regulated by this Ordinance but not the UCC Ordinance, and shall submit to other appropriate governmental entities reports of such activities as directed by the Board of Supervisors or its designee.
- D. The Board of Supervisors is authorized to establish by Resolution fees for permits, certificates, applications, petitions and appeals and procedures for the proper implementation of this Ordinance.

## SECTION 2410 INTERPRETATION

- A. The provisions of this ordinance shall be construed and interpreted to constitute the minimum requirements for the promotion of public health, safety and welfare.
- B. Where this ordinance imposes greater restrictions upon the use of a building or land, upon the height, bulk or size of a building or structure, coverage of lots or requires larger open spaces than is required by other ordinances, regulations or permits or by easements or agreements, the provisions of this ordinance shall govern.
- C. Where any other ordinance, rule, regulation, permit, easement, covenant or agreement imposes greater restrictions than those set forth in this ordinance, such other restrictions shall govern.
- D. Specific standards governing construction as are established in the Uniform Construction Code as adopted by ordinance of the Township shall govern actual construction, this ordinance to govern administration and the submission of and action on applications for zoning permits and certificates.

## SECTION 2411 TITLES

The titles of this ordinance are placed herein for convenience only, and shall not be construed or interpreted as limiting the subject matter following the said titles.

## ARTICLE XXV

### ZONING HEARING BOARD

#### SECTION 2501 CREATION OF THE BOARD

A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to the Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of the Ordinance when requested. It shall be created and maintained in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) (PMPC) as amended, perform duties, and exercise all powers vested in it by the provisions of said Act.

#### SECTION 2502 FUNCTIONS OF THE BOARD

- A. Appeals from the Zoning Officer: The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to PA R.C.P., Sections 1091 to 1098 relating to mandamus.
- B. Challenge to the Validity of any Ordinance or Map: The Board shall hear challenges to the validity of a Zoning Ordinance or map except as indicated in the PMPC. In all such challenges, the Board shall take evidence and make a record thereon as provided in the PMPC. At the conclusion of the Hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- C. Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the PMPC, the Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant variance provided the following findings are made where relevant in a given case.
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  3. That such unnecessary hardship has not been created by the appellant;
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- D. Special Exceptions: Upon application in accordance with provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of

any one of the special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located and all other pertinent provisions of the Zoning Ordinance, including the conditions under which special exceptions are permitted--see Article XVIII.

ARTICLE XXVI  
ADMINISTRATION

SECTION 2601 AMENDMENT, SUPPLEMENT, OR CHANGE

A. Procedure for Amendments.

The Zoning Ordinance may be amended or repealed by the Township Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) (PMPC), as amended, and with the following general procedures:

1. Any amendment or repeal may be initiated by:
  - a. The Township Planning Commission.
  - b. The Township Supervisors.
  - c. A notarized petition to the Township Supervisors.
2. Amendments shall be submitted to the Township Supervisors at a regular or special meeting of the Township Supervisors.
3. Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing on the proposed amendment, pursuant to public notice as defined in the PMPC.
4. All amendments shall be submitted to the Harborcreek Township Planning Commission and the Erie County Department of Planning for review and recommendation prior to the public hearing as prescribed in the PMPC.

SECTION 2602 APPEALS

The review or appeal of any provision of this Ordinance or decision, determination, order, or finding of the Township Supervisors or its agencies or officers shall follow the procedures set forth in the PMPC.

SECTION 2603 VALIDITY/SEVERABILITY

- A. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall, for any reason, be declared to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of the Zoning Ordinance as a whole or any of the remaining article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance. The remaining portions of the Ordinance shall remain in effect as though the part or section declared unconstitutional or invalid was never a part thereof.
- B. The Township Supervisors hereby declare that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words, or boundaries may be declared illegal, unconstitutional, or invalid.

SECTION 2604 REPEALER

Any resolution, or ordinance or any part of any resolution or ordinance conflicting with the provisions, regulations, limitations and/or restrictions of the Zoning Ordinance is hereby repealed to the extent of such conflict.

## SECTION 2605 VIOLATION, REMEDIES, AND PENALTIES

- A Enforcement Notice: When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
1. The name of the owner of record and any other person against whom the Township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
  6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Harborcreek Township. No such action may be maintained until such notice has been given.
- C. Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under this Article
- D. Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate 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 zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

SECTION 2606 EFFECTIVE DATE

This Zoning Ordinance shall take effect March 22, 2010. We hereby certify that the Harborcreek Township Zoning Ordinance was adopted by the Supervisors of Harborcreek, Erie County, Pennsylvania on March 17, 2010.

**HARBORCREEK TOWNSHIP SUPERVISORS**

  
\_\_\_\_\_  
Dean S. Pepicello, Chairperson

  
\_\_\_\_\_  
Joseph D. Peck, Supervisor

  
\_\_\_\_\_  
Timothy J. May, Supervisor

**ATTEST:**

  
\_\_\_\_\_  
Cynthia S. Williams, Assistant Secretary