



**Harborcreek Township  
Zoning Ordinance  
Enacted January 8, 2025**

Prepared by: The Harborcreek Planning Commission  
Assisted by: Altair Real Estate Services & Mackin Engineering & Consultants  
Special thanks to: Steering Committee comprised of resident volunteers & staff

# TABLE OF CONTENTS

Article I: General Provisions.....1

Article II: Zoning Districts.....5

Article III: Definitions.....7

Article IV: Ag Agricultural District.....38

Article V: R-1 Low Density Residential District.....44

Article VI: R-2 Medium Density Residential District.....46

Article VII: R-3 High Density Residential District.....48

Article VIII: R-4 College Related Residential/Commercial District.....50

Article IX: PU Public University District.....52

Article X : V Village District.....54

Article XI: LF Lakefront District.....56

Article XII : B-1 Business District.....58

Article XIII: B-2 Interchange Business District.....60

Article XIV: I Industrial/Mixed Use District.....62

Article XV: Planned Research and Business Park.....65

Article XVI: Planned Residential Development.....71

Article XVII: Supplemental Regulations for Specific Uses.....86

Article XVIII: General Regulations.....123

Article XIX: Off-Street Parking, Loading, and Unloading.....129

Article XX: Signs.....136

Article XXI: Non-Conforming Uses, Structures, and Lots.....145

Article XXII: Administration and Enforcement.....148

Article XXIII: Zoning Hearing Board.....162

Appendices

**ARTICLE I  
GENERAL PROVISIONS**

BE IT HEREBY ORDAINED AND ENACTED by the Township 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 Administrator, and/or Township Secretary.

**SECTION 102 PURPOSE**

- A. The regulations of the "Zoning Ordinance" are made in accordance with the Township's Comprehensive Plan and designed:
  - 1. To promote public health, safety and general welfare.
  - 2. To promote and encourage the preservation of farmland, forest, and open space.
  - 3. To promote sustainable development to meet the needs of residents without compromising the needs of future generations.
  - 4. To encourage the use of lands in accordance with the character of the zoning district.
  - 5. To protect and conserve water resources and other natural resources.
  - 6. To provide adequate light and air.
  - 7. To coordinate with the practical community development and proper density of population to avoid crowding of land and congestion of population and transportation systems.
  - 8. To provide emergency management preparedness and operations.
  - 9. To facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public services.
- 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 APPLICABILITY**

- 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.
9. Any other issues covered or included within Article VI of the Municipalities Planning Code (MPC), 53 Pa. Stat. § 10601 et seq.

**SECTION 104 PROVISIONS**

- 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 imposes 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 MUNICIPAL 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 Township 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, loss 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 continuity and aesthetics 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 mixed use with a commercial component 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 goals 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.

#### **SECTION 107 INTERPRETATION OF REGULATIONS**

- 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 Harborcreek 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 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.

- E. 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.

**SECTION 108 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 109 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 110 EFFECTIVE DATE**

This Zoning Ordinance shall take effect January 8, 2025. We hereby certify that the Harborcreek Township Zoning Ordinance was enacted by the Supervisors of Harborcreek, Erie County, Pennsylvania on January 8, 2025.

**ARTICLE II  
ZONING DISTRICTS**

**SECTION 201 ZONING DISTRICTS**

- A. Harborcreek Township is hereby divided into the following Zoning Districts:
1. AG - Agricultural
  2. R-1 – Low Residential
  3. R-2 – Medium Density Residential
  4. R-3 – High Density Residential
  5. R-4 – College Related Residential/Commercial
  6. PU – Public University
  7. V - Village
  8. LF - Lakefront
  9. B-1 - Business
  10. B-2 – Interchange Business
  11. I – Industrial/Mixed Use

**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 Paper Streets / 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, which is consistent with the County of Erie Assessment Office.
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 Administrator to determine the extent to which the boundary shall be extended to the rest of the lot or the landowner can petition the Township Board of Supervisors to rezone their property and amend the Zoning Map.
8. Boundary Determination Problems - Where it is not possible or practical for the Zoning Administrator to determine the location of a zoning district boundary line or if a petitioner contests the Zoning Administrator'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.

#### **SECTION 204 USES**

- A. Primary and accessory uses permitted by right, as special exception, and as conditional use are included in Articles IV – XIV for each Zoning District. They are also included in the Use Table in the Appendices.
- B. If a use is not included in this Ordinance, it is permitted as a special exception in the Industrial/Mixed Use District and shall have a public hearing before the Zoning Hearing Board.



**ARTICLE III  
DEFINITIONS**

**SECTION 301 GENERAL INTERPRETATION**

- A. For the purpose of this Ordinance, certain terms and words 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 302 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. The words and phrases shall have the meaning given in this section.

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights of the property to another owner or resuming the use of the property.

**ABUT OR ABUTTING:** Buildings which physically touch. Areas of continuous lots that share a common lot line, not including, lots entirely separated by a street, public alley, open to traffic, or a perennial waterway.

**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. Temporary accessory structures, meeting the definition in this Ordinance, such as storage pods, storage containers, soft-sided builds do not require a zoning permit.

**ACCESSORY SOLAR ENERGY SYSTEM:** An energy conversion system, including appurtenances, which is accessory to a principal use, and converts solar to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition does not include solar farms and is not intended for commercial establishment.

**ACCESSORY USE:** Located on the same lot as the principal use, but customarily subordinate and incidental.

**ACRE:** A measure of land area containing 43,560 sq.ft.

**ADULT ENTERTAINMENT ESTABLISHMENT & ASSOCIATED FACILITIES:** Includes all uses regulated under 68 Pa.C.S.A. Section 5501 et seq, as amended, as well as the following uses: adult novelty store, adult drive-in movie theaters, adult motels, bath houses, and such other uses housing similar adult sexually oriented activities. Such definitions in 68 Pa.C.S.A. Section 5502 are hereby included by reference, including but not limited to the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult-Oriented Establishment", "Sexual Activities", "Specified Anatomical Areas", and "Specified Sexual Activities."

**AGRICULTURAL BUILDING:** A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock, or other farm animals. May also include a milk house and a structure used to grow mushrooms, agricultural, or horticultural products. The term shall not include habitable space, or spaces in which agricultural products are processed, treated, or packaged, and shall not be construed to mean a place of occupancy by the general public. Agricultural buildings do not require a building permit, but do require a zoning permit.

**AGRICULTURAL USES:** 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, forestry, and agricultural storage and/or processing activities.

**AGRITOURISM:** A farm related tourism or a farm related entertainment activity that takes place on agricultural land and allows members of general public, whether or not for a fee, to tour, explore, observe, learn about, participate in, or to be entertained by an aspect of agricultural production harvesting or rural lifestyle that occurs on the farm.

**AIRPORT & PRIVATE AIRSTRIPS:** 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 hangers, facilities for refueling and/or repair, and various accommodations for commercial and/or private passengers. This use includes heliports and helistops.

**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.

**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 or the Harborcreek Township Airport Hazard Ordinance.

**ALLEY:** A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**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. This definition includes partition walls, but cosmetic changes are not considered alterations.

**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.

**ANIMAL EQUIVALENT UNIT:** One animal unit = horse, cow, elk, or bison; Two animal unit =

swine or llamas; Four animal unit = sheep, deer, or goats; Fifty animal unit = birds or small mammals.

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

**APPLICATION FOR DEVELOPMENT:** An application, under the Subdivision and Land Development Ordinance, Zoning Ordinance, Stormwater Management Ordinance, or Uniform Construction Code including, but not limited to, an application for a subdivision plan, land development plan, zoning permit, storm water management permit, or building permit.

**AREA, BUILDING:** The total area, in square feet, taken on a horizontal plane of the principal building, including basements, and all accessory buildings, exclusive of porches, decks, terraces and steps.

**AREA, LOT:** See Lot (Lot Area).

### ASSOCIATIONS

- **Condominium:** The community association that owns, administers, and maintains the common property and the common elements of a condominium.
- **Homeowner:** A community association, which is organized in a development in which individual owners share common interests in open space or facilities and maintains stormwater facilities.

**AUTOMOBILE IMPOUND LOT:** A parcel of land or a building that is used for the storage of wrecked or motor vehicles usually awaiting insurance adjustment or transport to a repair shop where motor vehicles are kept for a period of time, not exceeding thirty (30) days.

**AUTOMOBILE SERVICE FACILITY:** A facility for the servicing and repair of motor vehicles, conducted entirely within a building. This may include engine, transmission, and suspension overhaul, the repair and replacement of parts, body work including painting and frame repair, tire service, lubrication, and the changing of automotive fluids, but does not include the scrapping, salvaging, or storage of junk vehicles.

**BASE FLOOD ELEVATION:** The elevation above sea level, based on the vertical datum in the current Flood Insurance Rate Maps (FIRM) for Harborcreek Township of the 100-year flood.

**BASEMENT/CELLAR:** A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement or cellar 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.

**BED & BREAKFAST ESTABLISHMENT:** A single-family residence, typically historic in nature, which is owner occupied and managed; having no more than three (3) guest rooms; and wherein food service shall be limited to breakfast and light fare for guests. Term does not include Short Term Rental or Hotel/Motel.

**BEVERAGE PRODUCTION ESTABLISHMENT:** An establishment which produces alcoholic beverages for on- or off-site sale and distribution and which may include on the premises a tasting room as defined herein as an accessory use. The term shall include the following uses:

- **Brewery:** A premises or plant wherein malt or brewed beverages are manufactured, made and fermented from raw materials, blended, rectified, or otherwise produced by

any suitable method for their production and which holds a license issued by the Pennsylvania Liquor Control Board to engage in the manufacture, transportation, and sale of such beverages as regulated by the Pennsylvania Liquor Code (Title 47 of the Pennsylvania Consolidated Statutes, as amended). Breweries may also produce and sell mead.

- **Distillery**: A premises or plant wherein distilled spirits are manufactured, made, and distilled from raw materials, blended, rectified, or otherwise produced by any suitable method for their production. The term shall not include a “winery” where alcohol is derived from byproducts of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same.
- **Micro-Brewery**: An establishment similar to a brewery with the exception of a maximum output of fifteen thousand (1,500) barrels of malt or brewed beverages per year.
- **Tasting room** (as a principal or accessory use): A principal use, operated by a limited winery or limited distillery and open to the public, used as a satellite location by the limited winery or limited distillery for the sale and consumption of alcoholic beverages produced off-site and which may also include food service to patrons; or a similar accessory use located on premises at the primary location of a limited winery or limited distillery for the sale of alcoholic beverages produced on-site or at other Commonwealth-licensed breweries, distilleries, limited distilleries, and limited wineries. The sale of beverages from other manufacturers, whether the tasting room is a principal or an accessory use, shall not exceed fifty (50) percent of the sale of the winery or distillery’s own products.
- **Winery**: A premises or plant where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol, so derived, is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.

**BREWERY**: See Beverage Production Establishment.

**BOARDER**: A person occupying any room or group of rooms forming a single habitable space, use, or intended for living, sleeping, and may pay compensation for lodging or board by prearrangement.

**BUFFER, GREENSPACE/LANDSCAPING**: A strip of land, a portion of which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a retaining wall or fence.

**BUILDABLE AREA**: The area of a lot remaining after the minimum yard and open space requirements of the zoning Ordinance have been met.

**BUILDING**: A structure having a roof supported by columns or walls for the shelter of persons, animals, personal possessions, or property. When separated by walls which are common with the walls of an adjoining building, each portion of such structure shall be considered a separate building.

**BUILDING CODE OFFICIAL**: The person employed or retained by the Township to administer and enforce the Uniform Construction Code.

**BUILDING COVERAGE**: That portion or percentage of the plot or lot area covered by the building area.

**BUILDING HEIGHT (SEE ALSO GRADE):** The vertical distance of a structure or building measured from elevation of the finished grade surrounding the structure or building to the highest point of the structure. See Appendices for illustration.

**BUILDING LINE:** The line which defines the required placement of the building from the street right-of-way on which the building fronts, measured from the front property line, not the edge of the road.

**BUILDING MATERIAL AND SUPPLY FACILITY:** An area or facility storing or offering for sale building supplies, metal supplies, lumber, stone, coal, equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

**BUILDING, OCCUPIED:** A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted.

**BUILDING PERMIT:** A permit issued by the Building Code Official under the Pennsylvania Uniform Construction Code, indicating that proposed construction, alteration, or reconstruction of a structure or other work regulated by the Uniform Construction Code is in accordance with the Uniform Construction Code authorizing the applicant to proceed with such work or activity. This term shall be deemed to include "Building Permit" or "UCC Permit" but not "Zoning Permit".

**BUILDING, PRINCIPAL:** A building in which the principal use is conducted on the lot on which it is located.

**BUILDING WIDTH:** Horizontal, exterior measurement between the two most distant portions, other than portions measured diagonally, or any building, typically measured in general that is most closely parallel to the lot length.

**BUSINESS SERVICE ESTABLISHMENT:** An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services; food catering; locksmithing; carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpet installation; heating and cooling; plumbing; taxidermy; landscaping services, and other similar business activities.

**CAMPGROUND & RECREATIONAL VEHICLE PARK:** A lot or track of land where tents, campers, recreational vehicles, motor homes, travel trailers, or manufactured homes, which do not exceed 320 sq. ft. in floor area may be placed. Persons or families may occupy these areas on a temporary basis for no more than 180 days per calendar year.

**CAR WASH FACILITY:** A building or structure where automobiles are cleaned manually or mechanically, using a conveyor, sprayer, blower, steam-cleaning equipment, or other device. This use may include wash tunnels, pay stations, vacuums, drying facilities, and associated paved accessways and parking stalls. As an accessory use to gasoline service station, a vehicle washing facility may include no more than a single bay, for one (1) vehicle to be washed at a time.

**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.

**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.

**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

**CERTIFICATE OF OCCUPANCY OR USE:** A certificate issued by either the Zoning Administrator or Building Code Official which permits the use or occupancy of a building or structure in accordance with the approved plans, specifications, building and zoning permits that certifies compliance of the zoning Ordinance and/or the UCC.

**CHANGE OF USE:** Any change in the occupancy classification of a building or structure, any change in the purpose or change in the level of activity within a building or structure, a change of use of a building or portion of building within the same classification, for which there is a change in application of the code requirements.

**CHICKEN COOP/HEN HOUSE:** A structure with four opaque walls and a roof, with ventilation through window or other protected opening, intended for the shelter or protection of hens.

**CLEAR SIGHT TRIANGLE:** See Intersection Visibility.

**COLLEGES & UNIVERSITIES & SUPPORTED BUILDINGS:** The grounds and buildings of a public or private College, University, School, Hospital, or other institution.

**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.

**COMPREHENSIVE PLAN:** A Comprehensive Plan consists of the Township's vision and goals for the future, as well as provides implementable actions to achieve the future vision and goals.

**CONDITIONAL USE:** An authorized use that may be granted only by the Township Board of Supervisors after a public hearing, pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendations from the Harborcreek Planning Commission and a public hearing conducted by the Township Board of Supervisors pursuant to public notice.

**CONDOMINIUM UNIT:** This refers to a type of ownership where an individual owns the unit within a building and may have a common interest in the property on which the structure is situated. Such owners assigned a shared interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

**CONSERVATION AREA:** Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

**CONSTRUCTION CODE:** As a general rule, the Uniform Construction Code (UCC) requires a property owner or the owner's authorized representative/agent obtain a UCC construction or building permit before commencing any work and that the work be inspected in the following cases. Under the UCC, a building, structure, or facility cannot be used or occupied without a UCC certificate of occupancy first being issued. A building permit is distinct from a zoning permit.

- Construction, enlargement, alteration, repair, movement, demolition, or change in occupancy of a commercial building, structure, or facility.
- Construction, enlargement, alteration, repair, movement, demolition, or change in occupancy of a residential building.
- Erection, installation, enlargement, alteration, repair, removal, replacement, or conversion of any electrical, gas, mechanical, or plumbing system regulated by the UCC.
- Construction or installation of a swimming pool, hot tub, or spa.
- Site preparation, foundation, construction, utility connection, alterations, additions, repairs, and changes of occupancy of manufactured and industrialized housing.
- Installation of solar panels.

**COVENANT:** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. Covenants held by the homeowner associations are not enforced by the Township.

**DAY CARE FACILITY:** A premise in which child day care, defined as the supervised care of children under age sixteen (16) outside of the children's own home for periods of less than eighteen (18) hours during the average day, is provided at any time for seven (7) or more children unrelated to the operator. A child day care center must be licensed by the Pennsylvania Department of Human Services and shall follow all applicable provisions for child day care centers in the Title 55, Part V, Subpart D, Article I, Chapter 3270 of the Pennsylvania Code, as amended.

**DEED RESTRICTION:** A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The Township is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

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

**DISABILITY:** A physical or mental condition that limits a person's movements, senses, or activities.

**DISTILLERY:** See definition of Beverage Production Establishment.

**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.

**DORMITORIES:** 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.

**DWELLING:** A building used as non-transient living quarters; that is occupied by the term "family", but not including a boarding house, group home, hotel, motel, hospital, nursing home, dormitory, fraternity house, sorority house, or recreational vehicle. May also be referred to as a

“residence”, “residential building”, or “residential structure”. This chapter organizes dwellings into the following types:

- Single Family (detached): A dwelling unit on a single lot/parcel for the exclusive use of a single-family household unit with a minimum of 1,200 sq.ft. of livable space.
- Multi-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.
- 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.
- Two-Family: A building having two (2) dwelling units each with its own exterior entrance and containing 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.

**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.

**DWELLING UNIT AREA**: The minimum of average square footage necessary to constitute a dwelling unit in a multiple dwelling structure.

**EASEMENT PERMANENT**: A limited right to use the property of another. Common easements include driveways, private roads, or access to a landlocked property.

- Easement, Conservation: A legal agreement granted by a property owner that limits the types, locations and amounts of development that may take place on the owner’s property. Such easement may restrict the original and all subsequent property owners, lessees and all other users of the land.
- Easement, Drainage: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility. No landscaping, fencing, or structures shall be placed in a drainage easement. An easement is not considered when measuring building setbacks.

**EATING AND DRINKING ESTABLISHMENT**: An establishment where meals are served to customers. Intended for customer to dine in, but can include take out and outdoor seating.

**EAVES**: The lowest horizontal line of a sloping roof in which may encroach within the required setback.

**ELECTRIC VEHICLE**: A vehicle that operates either partially or exclusively on electrical energy, provided by a rechargeable battery or other energy storage source, which can be charged by connection to the electric power grid. This term includes a battery electric Vehicle, or plug-in hybrid Vehicle.

**ELECTRIC VEHICLE CHARGING STATION**: Battery charging station equipment that is a designated area as an accessory use and has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.



**ELEVATION:** A building face, or scaled drawing of the same, from finished grade to the highest point on the structure.

**EMERGENCY:** A condition that (a) constitutes a clear and immediate danger to the health, safety, or welfare of the public, or (b) has caused, or is likely to cause, facilities in the rights-of-way to be unusable and result in loss of the services provided.

**EMERGENCY RESPONSE FACILITY (ERF):** An area or facility used to house emergency response equipment and transport vehicles. Such equipment shall include firefighting trucks, ambulances, helicopters and any other equipment of similar purpose. Such facilities shall include what is commonly referred to as fire stations, police, emergency medical, emergency management agency and ambulance heliports and may include communication towers and equipment.

**ENERGY FACILITY SYSTEM, COMMERCIAL:** A variety of equipment or facilities that are used to produce, store, transmit, or distribute energy. This includes facilities that are involved in the exploration, development, conversion, processing, or transportation of energy resources. It also includes facilities that manufacture, produce, or assemble equipment, machinery, products, or devices that are involved in these activities. This definition is intended for solar and wind farms.

- **Easement:** A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for energy systems.
- **Facility Owner:** The entity or entities having an equity interest in the Energy Facility, including their respective successors and assigns.
- **Glare:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- **Hub Height:** The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blades are attached.
- **Medium Voltage Cable:** 34.5 kV lines which provide electricity to homes/structures.
- **Non-Participating Landowner:** Any landowner, except those on whose property all or a portion of an Energy Facility is located pursuant to an agreement with the Facility Owner/Operator.
- **Operator:** The entity responsible for the day-to-day operation and maintenance of the energy facility.
- **Photovoltaics (PV):** A technology that converts light directly into electricity.
- **Power Switchyard:** Structure needed to tie the solar energy facility to electric transmission.
- **Principle Solar Energy System:** An area of land or other area used for a solar collection system principally used to capture sunlight, converting into electricity by photovoltaics (PV) or thermal power and supply those converted energies for off-site purposes as the principle use to the property. Principle solar energy systems consist of one or more freestanding ground or roof-mounted solar collector devices, solar related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines; and other appurtenant structures.

- **Solar Energy:** Radiant energy (direct, diffuse, and/or reflective) received directly from the sun.
- **Solar Related Equipment:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and possibly foundations or other structures used for or intended to be used for collection of solar energy.
  - **Solar Cell** – The smallest basic solar electric device which generates electricity when exposed to light.
  - **Solar Module** – The grouping of solar cells with the purpose of harvesting solar energy.
  - **Solar Array/Panel** – A part of portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water and/or electricity.
- **Turbine Height:** The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
- **Wind Turbine:** A wind energy conversion system that converts wind into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

**ENFORCEMENT NOTICE:** A notice as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code, as amended, or in this Chapter, sent by the Township to the owner or occupant of record of a lot on which a violation of this chapter has occurred.

**ENFORCEMENT OFFICER:** The Zoning and/or Code Official appointed by the Township Supervisors to enforce all Ordinances within the jurisdiction of Harborcreek Township.

**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.

**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 signal, hydrants, and similar equipment of maintenance depots.

**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 public health, safety, and general welfare such as water and sewer pump stations, water storage towers, electrical substations, natural gas regulator stations, telephone substations or similar type structures, but excluding office buildings, the outside storage of equipment or maintenance depots, communication towers and communication antennae.

**EVENT VENUE:** A publicly or privately owned structure or area used for the purposes of public performances, sporting events, private receptions or parties, or similar attractions that may generate heavy traffic and provides no overnight accommodations.

**EXOTIC ANIMAL:** A pet which is relatively rare or unusual to keep or is generally thought of as a wild species.

**FAA:** Federal Aviation Administration.

**FAÇADE:** The exterior wall of a building exposed to public view or that wall viewed by the persons not within the building.

**FAMILY:** Any number of individuals related by blood, marriage, legal guardianship, licensed or court appointed foster care or legal adoption, who maintain one common household and reside in one dwelling unit. The definition also includes any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit. A roomer, boarder or lodger is not considered a family member.

**FARM:** See Agricultural Use.

**FARM BUILDING OR FARM STRUCTURE:** Any building or structure used for agricultural purposes. These types of buildings/structures are exempt from a building permit.

**FARMERS MARKET:** The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products and similar non animal agriculture product occurring in a predesignated area where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**FENCE:** Installation of a man-made barrier of any material or combination of materials to provide privacy or separate areas. While posts are part of the fence, post themselves are not considered a fence.

**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.

**FLOODPLAIN AREA:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODWAY:** The channel of a creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**FLOOD ZONE:** Areas that the Federal Emergency Management Agency (FEMA) defined according to varying levels of flood risk. The zones are depicted on the Flood Insurance Rate Map (FIRM). Each zone determines the severity or type of flooding. Refer to the Township's Floodplain Ordinance for detailed regulations.

**FLOOR AREA, GROSS:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**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.

**FLORICULTURE:** The cultivation and management of ornamental and flowering plants.

**FOOD TRUCK:** A licensed, self-contained, accessory motorized vehicle or mobile food unit (a trailer that does not travel under its own power), that is temporarily permitted to park in a designated area of an established principal use for the service of food and/or beverages, in a location approved by the owner of the lot. A certificate from the Department of Agriculture and Department of Health is required. The truck or trailer shall not impede the flow of traffic. A Use certificate is required prior to selling.

**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.

**FRATERNITIES/SORORITIES:** A group of college students that are part of an organization associated with the school for social purposes. Students may live together in a household.

**FUNERAL HOME:** A building or part thereof used for human funeral services. Such Building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation.

**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.

**GARAGE, PUBLIC:** A public building or structure where motor vehicles can be temporarily stored or parked for a fee.

**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.

**GASOLINE SERVICE STATION/CONVENIENCE STORE:** A facility supplying and selling gasoline, diesel, natural gas, or other fuel for motor vehicles directly from pumps and storage tanks and/or electric vehicle charging station, which may include a convenience store and accessory facilities for additional services, such as a one-bay car wash.

**GOLF COURSE:** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards.

**GOVERNING BODY:** The Township Board of Supervisors of Harborcreek Township, Erie County, Pennsylvania.

**GRADE (SEE ALSO BUILDING HEIGHT):**

- Existing Grade - existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of the site.
- Finished Grade - The final grade of the site after all clearing and grading has been

completed that conforms to an approved grading plan.

**GROUP RESIDENCE FACILITY:** A residential facility (typically single-family dwelling unit) licensed by the Pennsylvania Department of Human Services, to provide room, board and supervised care, but not continuous nursing care, for children under the age of eighteen (18), individuals sixty-two (62) or older and/or Persons with one or more disabilities. This definition shall not include a facility housing persons released from or under the jurisdiction of a government bureau of corrections or similar institution. In addition, the term does not include current legal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Section 802).

**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.

**HEIGHT OF A TOWER-BASED WCF:** The vertical distance measured from the ground level, including any based pad, to the highest point on a tower-based WCF, including antenna mounted on the tower and any other appurtenances.

**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.

**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.

**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.

**HORTICULTURE:** The science and act of growing fruits, vegetables, flowers, or ornamental plants.

**HOSPITAL/CLINIC:** An institution providing medical and surgical treatment and nursing care for sick or injured people as an inpatient or outpatient.

**HOTEL/MOTEL/MOTOR INN:** A facility offering transient lodging accommodations to the general public which may provide additional services, such as restaurants, meeting rooms and recreational facilities. The structure(s) may have an interior hall and lobby with access to each room from such or may be accessed from an outside door.

**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, or reptiles having a venomous or constrictor nature or other animals considered dangerous such as exotic animals defined by this Ordinance does not constitute a household pet under any provision of this Ordinance.

The American's with Disabilities Act (ADA) protects and regulates the use of "service animals". A service animal is an animal specifically trained to perform a function necessary for a daily or medical need of a person with a disability. Under this law the term service animal only refers to trained dogs or miniature horses. "Emotional support animals" are not specifically trained but animals which provide the user with physical or mental benefits. The American's with Disabilities Act (ADA) does not protect the use of emotional support animals. Emotional support animals are not recognized in the Township where such animals are prohibited in the Zoning District by this Ordinance.

**IMPERVIOUS SURFACE:** A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) includes, but is not limited to: roofs, buildings/structure footprint, patios, garages, storage sheds and similar structures, parking or driveway areas, and any new streets and sidewalk. Any surface areas proposed to initially be gravel or crushed stone shall be assumed to be semi-impervious surfaces.

**INDUSTRIAL, LIGHT:** The process of manufacturing small finished goods, by which less potential exists for air, water, soil, noise, and light pollution than with heavy industry. Light industry includes, but is not limited to, the manufacture or processing of: food and beverage products, pharmaceuticals, electronic devices, precision instruments, household appliances, machine tools, optical goods, personal care products, wood and paper products, home and office furnishings, printed materials, ceramics, glass products, jewelry and personal accessories, apparel, lightweight non-ferrous metal casts and dies, light sheet metal products, film, games and toys, plastic goods. No process involved will produce air pollution, fire hazard or emissions, noxious fumes or other related dangerous conditions to neighboring properties."

**INDUSTRIAL, HEAVY:** The production, by mechanical or chemical transformation, of raw materials into refined materials or new products, manufacturing processes that do not meet the definition of light industry. Heavy industry includes, but is not limited to steel production, coke production, oil and gas production and refining, ethylene production, cracking of ethane or propane, incineration, motor vehicle assembly, aerospace manufacturing, and shipbuilding. No process involved will produce air pollution, fire hazard or emissions, noxious fumes or other related dangerous conditions to neighboring properties."

**INDUSTRIAL PARK:** A planned, coordinated development of a tract of land designed to contain two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis.

**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. This definition includes schools, universities, and colleges.

**INTERSECTION VISIBILITY:** 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.

**JUNK:** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal, or other use or disposition; includes any discarded material or article, including, but not limited to scrap metal; scrapped, abandoned, or junked vehicles (including boats, trailers, and recreational vehicles); the storage of vehicles which are not operable but which are being stored so that their parts can be removed; tires; vehicle parts; machinery; equipment; glass; paper; containers; rags; metal;

building materials; household appliances; brush; wood; lumber; food waste; garbage; solid waste; leaf, grass, tree, or shrubbery waste or recyclable materials. This term does not include municipal waste, recyclable materials and leaf waste kept in a proper container for the purpose of prompt and proper disposal.

**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.

**JUNKYARD:** An area of land where junk as defined herein is stored (primarily outdoors), collected, dismantled, scrapped, and/or processed for sale, salvage, or disposal. The outdoor storage of unlicensed, uninspected, wrecked, or inoperable vehicles on a lot, other than that used for "auto, boat and/or mobile/manufactured home sales or rental" or an "auto repair or garage," or any inoperable appliance, shall be considered a junkyard.

**KENNEL:** An establishment, abiding in accordance with the regulations of the Commonwealth of Pennsylvania, in which dogs or domesticated animals are housed, boarded, or trained. A nonprofit animal shelter is considered a type of kennel, but a pet grooming establishment is not intended to be a "kennel".

**LAKE BLUFF:** A steep slope or rounded cliff that overlooks a body of water, such as a lake. Bluffs are usually formed from sediment like clay, sand, and gravel, and are subject to erosion. See Harborcreek Township Lake Bluff Setback Ordinance No. 81-89.

- **Bluff Line:** The edge or crest of the bluff.
- **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.
- **Bluff 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.
- **Bluff Setback:** the measurement is taken from the shortest horizontal distance from a point on the bluff line to a point on a structure.

**LAND DEVELOPMENT:** The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A group of two or more buildings.
- The division or allocation of land or space between or among two or more existing or prospective building groups or other features.
- A subdivision of land.
- The construction of new multi-family residential, commercial, industrial or institutional structures.
- The conversion of existing structures to another permitted principal use.

**LANDFILL:** A place to dispose of refuse and other waste material by burying it and covering it with soil, especially as a method of filling in or extending usable land.

**LAUNDROMAT:** A business premises equipped with individual clothes washing machines for the use of retail customers or providing a clothes cleaning service through dry cleaning or other methods, exclusive of laundry facilities provided as an accessory use in an apartment house or

an apartment hotel.

**LIBRARY:** A facility that is used for the collection of literary, artistic, musical or similar materials in the form of books, recordings, displays and films for public use.

**LIGHTING:**

- **Diffused:** That form of lighting wherein the light passes from the source through a translucent cover or shade.
- **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.
- **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.

**LIVESTOCK AS PETS:** Domestic livestock means horses, cattle, swine, sheep, goats, rabbit, poultry, fowl and furbearing animals excluding household pets. For purposes of this Ordinance, chickens shall be defined as hens; no roosters, no ducks, geese, turkeys, or other fowl shall be permitted unless as part of a farm permitted under Agriculture.

**LOADING BERTH:** An area abutting the building specifically designed for the loading and unloading of trucks and vehicles, an which has convenient access to a storage location within the building.

**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.

**LOT:** A designated area of land established by a plat or deed and is assigned an Erie County Tax ID number. May also be referred to as a parcel. See Appendices for illustrations.

- **Lot Area:** The area contained within the property lines of a lot as shown on the subdivision plan or tax map, including the area of an easement except where the owner of a lot abutting a paper street had received title to the middle of the paper street once the Township vacates its rights or after the lapse of more than 21 years from the time the paper street was offered for dedication as part of a land development and the Township has not developed the roadway or exercised dominion or control over same.
- **Lot, Corner:** A lot abutting two or more streets at their intersection on which the building line for all streets must be observed. The front yard for a corner lot shall be determined by the Zoning Administrator.
- **Lot Coverage:** The size of the footprint(s) of a building(s) and/or structure on a lot divided by the size of the lot and expressed as a percentage.
- **Lot Depth:** The mean horizontal distance between the front lot line and the rear lot lines.
- **Lot, Flag:** An irregularly shaped lot characterized by an elongated extension (the "pole") used as an access to the principal part (the "Flag") of the lot.
- **Lot, Interior:** A lot having only one street frontage; a lot other than a corner lot, or any line dividing a lot from another lot or from an abutting street or other right-of-way.



- **Lot Line/Property Line**: A line bounding a lot that divides on lot from another or from a street or any other public or private space.
- **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.
- **Lot, Through**: An interior lot having frontage on two streets. This term shall be deemed to include "Through Lot".
- **Lot Width**: The mean horizontal distance across the lot, between the side lot lines, measured at right angles to the depth.

**MARINA (COMMERCIAL)**: Designated areas of land or waterfront specifically intended for commercial activities related to boating, watercraft storage, and related services. These may include facilities such as docks, piers, moorings, boat ramps, fueling stations, boat repair and maintenance facilities, marine supply stores, restaurants, and other commercial establishments catering to boaters and waterfront visitors.

**MEDICAL MARIJUANA DISPENSARY**: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana in accordance with the Medical Marijuana Act of 2016.

**MEDICAL MARIJUANA GROWER/PROCESSOR**: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana. "Medical marijuana": Marijuana for certified medical use as set forth in the Medical Marijuana Act of 2016.

**MEDICAL MARIJUANA PERMIT**: An authorization issued by the Pennsylvania Department of Health to a Medical Marijuana Organization to conduct activities under this Act.

**METES & BOUNDS**: A system of describing and identifying land by measures (metes) and direction (bounds) from a point of reference.

**MICRO-BREWERY**: See definition of Beverage Production Establishment.

**MIXED RESIDENTIAL/COMMERCIAL BUILDINGS**: A single development of more than one (1) building and use, where the different types of land uses, excluding single family dwellings, are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**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.

**MOBILE HOME PARK**: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

**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:

- The business activity shall be compatible with the residential use of the property and surrounding uses.
- The business shall employ no employees other than family members residing in the dwelling.
- There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 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.
- 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.
- The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor space.
- The business may not involve any illegal activity.

**NON-CONFORMING 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.

**NON-CONFORMING 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.

**NON-RESIDENT:** 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.

**NURSING, CONVALESCENT, ASSISTED LIVING & RETIREMENT 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.

- Skilled Nursing Care Home: provides “skilled nursing care” as its primary and predominant function.
- Intermediate Care Home: provides “skilled nursing care”, but not as its primary function.
- Residential Care Home/Assisted Living: a facility which may provide some “skilled nursing care” but only as an adjunct to its primary residential care function.

- **Personal Care Home:** a facility which may provide some “skilled nursing care” but only as an adjunct to its primary personal care function.

**OPEN SPACE:** An unoccupied space open to the sky.

**OUTDOOR COMMERCIAL DISPLAY ESTABLISHMENT:** The use of any building or land area for the display and sale of one or more of the following in operable condition: new and used automobiles, mobile/manufactured homes (in livable condition), recreation vehicles, trailers, farm machinery, equipment, motorcycles, construction vehicles, other motorized vehicles, and boats.

**OVERLAY ZONE:** A zoning district that encompasses one or more underlying zones and imposes different requirements above those required by the underlying zoning.

**OWNER:** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or equitable interest in the lot in question.

**PARK, PUBLIC:** An area of land maintained generally in an open manner for the use of the public and may contain active or passive recreation facilities.

**PARKING SPACE:** An off-street space having an area of not less than 200 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.

**PATIO:** A patio constructed at “grade level” and with no roof or walls and 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.

**PAVED SURFACE:** A parking, loading, or other vehicular driving or storage surface area constructed of asphalt, concrete, brick, paving block, or similar type hard surface material. Gravel and other loose aggregate shall not be considered a paved surface.

**PERMITTED USE:** A use permitted by right.

**PERSONAL SERVICE ESTABLISHMENT:** An establishment that provides a service oriented to the personal needs of the general public and which does not involve retail or wholesale sales or services to businesses. "Personal services" include, but are not limited to, barber- and beauty shops, health/day spas, tanning salons, yoga studios or small fitness studios, optometrists' offices and accessory eyeglass shops, photography studios, travel agencies, retail tax preparation services, shoe repair shops, household appliance repair shops, physical therapy, and other similar establishments, but shall not include any adult-oriented establishments.

**PET GROOMING ESTABLISHMENT:** A business activity that is operated and conducted within an enclosed building and includes grooming and/or washing of pets (domestic animals) and may include pet training.

**PETITION:** A formal request made to the Township Board of Supervisors for a zoning map change or to vacate a paper street.

**PLACE OF WORSHIP:** A public or private lot of land, building or structure that is designed for the assembly or collection of persons, for civic, political, religious, educational, social purposes and where recreation, amusement or dining occur as accessory activities.

**PLANNED RESEARCH & BUSINESS PARK:** A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of

endeavor. Such use shall be categorized as light industrial dependent upon the specific nature of its operations.

- **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.
- **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 even if the remainder of the planned development were to be discontinued.
- **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.
- **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.

**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 to meet the requirements of the proposed development plan.

**PLANNING COMMISSION**: Appointed by the Township Board of Supervisors to serve as volunteers on the commission to make recommendations on zoning and planning Ordinances and studies.

**PLAT**: A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**PORCH**: A structure that may have a roof, 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.

**PREFABRICATED OR MODULAR DWELLING UNIT**: Two or more portable units designed and built to be towed on a chassis and permanently joined on site to form a single immobile dwelling unit and having a minimum of 1,250 sq.ft. of habitable floor area, shall be regarded as a single-family detached dwelling.

**PREMISES**: Any lot, parcel or tract of land and any building constructed thereon.

**PRINCIPAL USE**: The major dominant use of the lot on which it is located.

**PRINCIPAL STRUCTURE**: The structure or portion thereof housing the main use of the land.

**PROFESSIONAL OFFICE/SERVICE**: The office of a member of an 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, physical therapists, dentists, optometrists, ministers, architects, professional engineers, lawyers, artists, authors, musicians and such other professional occupants which may also be designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character and may virtue 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 gainfull occupation need not be deemed indicative of professional standing.

**PROPERTY LINE:** Whenever used within this Zoning Ordinance, the property line is deemed to be the line or boundary of a lot or parcel as represented and defined on Erie County Tax Assessment records, except to the extent that a survey, or other formal indicia, or evidence, prepared by a licensed surveyor in the Commonwealth of Pennsylvania shall be acceptable proof of the boundary line or property line so long as the lot or parcel owner and the Erie County Tax Assessment office reach an agreement based on the survey or evidence offered and the official maps of Erie County are modified to reflect the change of the “property line”.

**PUBLIC HEARING:** A meeting open to the general public held pursuant to proper “public notice” as defined by the Pennsylvania Municipalities Planning Code.

**PUBLIC NOTICE:** A 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 7 days from the date of the hearing.

**RECREATIONAL FACILITY (INDOOR COMMERCIAL):** An establishment where the principal enterprise or activity involves the provision of indoor recreational, amusement, and leisure activities, such as, but not limited to: fitness training, athletic courts, ice rinks, roller skating rinks, indoor playing fields, indoor swimming pools, bowling alleys, arcade games, indoor mazes, indoor play structures and ball pits, escape rooms, indoor riflery or archery, indoor batting cages, and indoor golf.

**RECREATIONAL FACILITY (OUTDOOR):** A establishment where the principal enterprise or activity involves the provision of outdoor recreational, amusement, and leisure activities, such as, but not limited to: tennis courts, sand volleyball courts, miniature golf courses, driving ranges, outdoor riflery or archery, outdoor batting cages, playing fields, outdoor swimming pools, beaches, and bumper car tracks, but not to include “golf courses” as defined herein.

**RENTAL SERVICE FACILITY:** A business establishment that rents vehicles, equipment, and tools, party supplies, tents, bicycles, or similar items for a limited period of time to final users.

**RESEARCH LABORATORIES:** A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor. Such use shall be categorized as light industrial or heavy industrial dependent upon the specific nature of its operations.

**RETAIL:** A commercial use involving the sale of commodities and services directly to customers. This term is intended to encompass all uses involving retail sales that are not specifically provided for or are not general equivalent to uses that are specifically provided for. Where a use is specifically provided for, that specific provision shall control. This term does not include Medical Marijuana Dispensaries.

**RIGHT-OF-WAY OR ROW:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or similar uses; typically R-O-W includes the paved cartway (road) plus an additional 10-12 feet on either side of the cartway.

**ROAD/STREET (TYPES):** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways that are used or intended to be used by vehicular traffic or pedestrians whether public or private.

- **Township Road:** An improved public road, constructed, maintained, graded, and drained by the Township.
- **State Road:** A street, highway, or other way open to travel by the public and is the jurisdiction of PennDOT.
- **Private Drive:** A road or driveway on privately owned property, limited to the use of the owner or group of owners who share the use and maintain the road without the assistance of the Township.
- **Paper Street:** A right-of-way that appears on the official subdivision map but has never been built or improved and is not owned by the Township.

**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.

**SAND & GRAVEL PIT/MINERAL EXTRACTION FACILITY:** 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.

**SANITARY SEWAGE:** Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water carried waste of human origin or containing putrescible material.

**SCHOOL:** A facility offering educational instruction at one (1) or more levels from pre-kindergarten through grade twelve (12), that is licensed or otherwise sanctioned by the PA State Board of Education.

**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.

**SELF-STORAGE FACILITY:** A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

**SETBACK, BUILDING (see also YARDS):** The distance of separation between a building and a property line, other building, or other feature. Setbacks are intended to apply to buildings, including principal and accessory. Other than structures attached to buildings (which shall

comply with the general setback regulations), structures that do not need to comply with setbacks include: fences, landscape features, playground equipment, flagpoles, HVAC units, driveways, sidewalks, basketball hoops, concrete or paved pads at grade, or at-grade patios. See Appendices for illustration.

**SEWAGE FACILITIES:** A system of sewage collection, conveyance, treatment and disposal that will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

- Community Sewage System: A system, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. The term includes:
  - Community On Lot Sewage System: A system which uses a network of piping, tanks or other facilities for collecting, treating and disposal of sewage using a soil absorption area or spray field for renovation or by a method specified per the Pennsylvania Department of Environmental Protection (PaDEP) Chapter 73a, Subchapter K (related to non-discharge systems).
  - Community Sewerage System: A publicly or privately-owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or a method specified in Chapter 73a, Subchapter K (related to non-discharge systems).
- Individual Sewage System: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:
  - Individual On Lot Sewage System: A system which uses a network of piping, tanks or other facilities for collecting, treating and disposal of sewage using a soil absorption area or spray field for renovation or by a specific method per the PaDEP Chapter 73a.
  - Individual Sewage System: A system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or spray irrigation or a method specified in Chapter 73a, Subchapter K (related to non-discharge systems).

**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.

**SHORT-TERM RENTAL:** A dwelling unit owned or managed by a person or entity which is rented or leased to a transient visitor for a period of less than 30 days. This term shall not include hotel/motel as that term is referenced in this Ordinance.

- Bedroom: Any room or space designated to be used or intended to be used for sleeping purposes. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility room, and similar uses are not considered bedrooms.
- Occupancy: The purpose for which a building or portion thereof is utilized or occupied.
- Short Term Rental License: The written grant of right to operate a Short-Term Rental.

- Transient Visitor: An occupant of a dwelling unit or bedroom for not more than 30 days, unless the occupant is related to the Owner as a married spouse, parent, child, grandparent, grandchild, brother, or sister.

**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 XX for a more specific description.

- Abandoned Sign: Signs advertising a use no longer in existence shall be removed within 30 days of the cessation of such use. These time limits shall not apply to a sign intended to be reused with a new sign face serving a building that is clearly temporarily vacant and being offered to new tenants or for purchase.
- 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.
- Free Standing Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground.
- Ground Sign: A ground sign is a freestanding sign of the following types:
  - Monument Sign: Sign placed directly on the ground having a solid base beneath the longest horizontal dimension of the sign.
  - Pole Sign: Sign attached to a pole or poles directly into the ground.
- 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.
- 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.
- 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.
- Permanent Sign: Any sign which is not a temporary sign.
- 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 signs.
- Portable Sign: 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.
- 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.



- **Projecting Sign:** A sign which projects perpendicular from, and is supported by, a wall of a building.
- **Roof Sign:** Any sign erected and maintained upon or above the roof of any building.
- **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.
- **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.
- **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.
- **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.

**SIMILAR USE:** A use that has the same characteristics as the specifically cited use in terms of trip generation and type of traffic, parking and circulation, and building size. The use shall not conflict with the zoning Ordinance's general purpose and intent.

**SMALL WIND TURBINE:** Intended for personal use and is accessory to a principle residential or commercial use to solely be used to generate power (without regard to any excess power generated going to a power grid). The development (includes all structures and turbines) shall not exceed the maximum lot coverage of the zoning district in which it is located.

**SOCIAL & FRATERNAL CLUBS:** Any establishment, other than an outdoor recreation facility operated by a private organization for recreational, educational, fraternal, or social purposes, but only open to members and their guests and not to the general public.

**SPECIAL EXCEPTION:** The approval or permission granted to an applicant to use their land for a purpose other than what is generally permitted by right in that district by the Zoning Hearing Board after a public hearing if certain standards and conditions are met.

**SPORTSMAN'S CLUB:** An entity that provides its members with opportunities for hunting, fishing, or shooting.

**SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land.

**STABLES/RIDING ACADEMY:** Any establishment where horses are boarded and cared for and where instruction on riding, jumping, and/or showing is offered and where horses may be hired for riding.

**STOOP:** A covered or uncovered area at a front, side or rear door not exceeding four feet by five feet or twenty-four sq.ft. in area.

**STORMWATER MANAGEMENT:** The process of controlling stormwater runoff that comes primarily from impervious surfaces like parking lots, driveways, and rooftops.

**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.

**STREET:** See Road/Street.

**STREET LINE:** The dividing line between the street and the lot, usually referred to as the right-of-way line.

**STRUCTURE (PERMANENT):** A combination of materials that are built or constructed with a permanent location or attached to something that is intended to remain in one (1) location; has a permanent location.

**STRUCTURE (TEMPORARY):** A combination of materials that are built, constructed, or pre-built such as dumpsters, storage pods, storage containers, and soft-sided structures and the intended use is temporary, meaning the structure is removed/taken down in 2 months or less per calendar year. Temporary structures over 224 sq. ft. shall meet setback requirements within the district in which it is placed.

**SUBDIVISION:** The division, combining, consolidation or re-division of two or more lots, tracts or parcels 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.

**SURFACE, DUST FREE:** Shall be constructed of asphalt paving or similar material. Gravel, crushed stone, or similar material will not be acceptable as dust free.

**SWIMMING POOL, PRIVATE:** Any reasonably permanent pool, therapy spa, 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, therapy spa, 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.

**TRAILER (Camping and Recreational Equipment):** Shall include travel trailers, pickup coaches, motorized homes and recreational equipment as follows:

- 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.
- 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.
- Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- Boat: A vessel designed to travel on water.
- Boat Trailer: A trailer designed to haul a boat as defined above.
- Utility Trailer: A general purpose trailer used for hauling miscellaneous equipment and/or items. Such trailers may be open or enclosed.

**TREATMENT CENTER/PRE-RELEASE DETENTION FACILITY:** 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.

**TRUCK & HEAVY EQUIPMENT SALES, SERVICES & REPAIR FACILITY:** An establishment, located on a lot no smaller than ten acres, designed to serve the needs of professional drivers and the traveling public, which may include vehicle fuel and repair services, convenience and retail stores, and restaurants, and which may also include related services such as communication and delivery services, financial services, personal services, and amusement game establishments, but does not include a hotel or motel. The components of a truck stop may be freestanding or combined in a single building.

**TRUCK TERMINAL:** Any premises used by a motor freight company regulated by the public utility commission and/or the Interstate Commerce Commission as a carrier of goods, which is the origin and / or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

**USE:** Any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried out in a building or other structure on a tract of land.

**USE CERTIFICATE:** A permit issued upon a change in use of a structure or a parcel of land or upon request therefore 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 or a temporary use located within the Township.

**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.

**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 the reasonable use of same (Also see definition of Hardship).

**VETERINARY CLINIC/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.

**VIOLATION:** A zoning violation for an owner, occupant, person in charge, or any other person to use or to permit another person to use property in violation this Ordinance, or to perform work for another person in violation of this article. Each day that a violation continues is a separate zoning violation.

**WAREHOUSE, WHOLESALE FACILITY:** An enclosed structure used for the storage of merchandise or commodities for an extended period of time, typically over thirty (30) days and may include retail sales typically to retailers, business users, other wholesalers, or their agents or brokers.

**WASTE DISPOSAL SYSTEM:** An underground, or mound, or other conventional system type for the decomposition of waste. Septic Systems require approval from the PA Department of Health. A waste disposal system permit is required prior to the issuance of a zoning permit.

**WETLANDS:** Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas. Any area meeting the official wetland definition of the US Army Corps of Engineers or the PA DEP, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of wetland accepted by the US Army Corps of Engineers conflicts with the definition accepted by the PA DEP, the more restrictive definition shall apply.

**WINERY:** A premises or plant where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.

**WIRELESS:** Transmissions through the airwaves including, but no limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

- Antenna: Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wire signals. An Antenna may include omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined hereafter. This definition shall not include private residence mounted satellite dishes or television antenna or amateur radio equipment including without limitation ham or citizen band radio antenna.
- Distributed Antenna Systems (DAS): A network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.
- Essential Communications Tower/Antenna: Means any communications tower/antenna owned or operated exclusively by an agency or authority of the Township or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency and are providing a service to the Township of Harborcreek for the public health, safety, and welfare.
- FCC: Federal Communications Commission.
- Monopole: A Wireless Communication Facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antenna and connecting appurtenances.
- Non-Tower Wireless Communications Facility (Non-Tower WCF): All non-tower wireless communications facilities, including, but not limited to, antenna and related equipment. Non-tower WCF shall not include support structures for antenna or any related equipment that is mounted to the ground or at ground level.
- Related Equipment: Any piece of equipment related to, incident to, or necessary for, the operation of a tower- based WCF or non-tower WCF. By way of illustration, and not limitation, "related equipment" includes generators and base stations.
- Stealth Technology: Camouflaging methods applied to wireless communications towers,

antenna, and other facilities, which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such manner so as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antenna, building-mounted antenna painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

- Substantially Change or Substantial Change: A change is considered “substantial” if it results in (1) any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation for the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antenna; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
- Tower Based Wireless Communications Facility (Tower-Based WCF): Any structure that is used for the purpose of supporting one or more antenna, including but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.
- WBCA: Pennsylvania Wireless Broadband Co-Location Act, 53 P.S. 11702.1 et seq.
- Wireless Communication, Co-Location: Wireless antennas placed on existing poles, structures or buildings that includes above ground mounted equipment; not intended for wireless communication towers.
- Wireless Communications Facility (WCF): The antenna, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services and towers.
- Wireless Communications Facility Applicant (WCF Applicant): Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public right-of-way (ROW) or other Township owned land, property, or structure.
- Wireless Support Structure: A freestanding structure, such as a tower-based wireless communications facility, or any other support structure that could support the placement or installation of a wireless communications facility, if approved by the Township.

**YARDS (see also SETBACK, BUILDING)**: An open unoccupied space on the same lot with a building or structure. See Appendices for illustrations.

- Yard, Front: The open space extending the entire width of the lot between the front building line and the street right-of-way with the exception of residential corner lots. This is measured between the public street line (right-of-way line) and the front building or structure with the exception of residential corner lots and flag lots.
  - **Corner Lots**: Front and rear yards are determined based on how the house can be placed on the lot. At times, the front of building is not considered the front yard, it may be the side of house to street line.
  - **Flag Lots**: Measured within the principal part of the lot, beyond the “pole” section of

the lot area. The front lot line shall be the lot line parallel to the nearest street and/or where the “pole” enters the lot.

- **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. This is measured between the rear lot line (property line) and a building or structure located in the rear yard.
- **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. This is measured from the side that abuts a street from street line to building. The required setbacks are different from those that have two interior property lines.

**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.

**ZONING APPROVAL:** Approval under the provisions of this Ordinance, and/or the Stormwater Management Ordinance, Floodplain Ordinance, and/or Lake/Bluff Setback Ordinance certifying that an application for development or application for zoning approval for use of a building has fulfilled the requirements of the Ordinances. The applicant may be required to obtain a building permit depending on the project.

**ZONING HEARING BOARD:** A quasi-judicial body that renders decisions on specific types of land use appeals and applications, such as variances, special exceptions, and decisions by the Zoning Administrator. Members are appointed by the Township Board of Supervisors to serve as volunteers.

**ZONING ADMINISTRATOR:** The individual authorized by the Township Board of Supervisors to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.

**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.

**ARTICLE IV  
AG AGRICULTURAL DISTRICT**

**SECTION 401 PURPOSE**

The purpose this 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.

**SECTION 402 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Agricultural Uses	P
Airport & Private Airstrip	C
Brewery	C
Campgrounds & Recreational Vehicle Parks	SE
Cemetery	SE
Dwelling, Single-Family	P
Emergency Response Facility	P
Energy Facility Systems	P
Essential Service (Public Utilities)	P
Essential Service Structure	C
Golf Course	C
Group Residence Facility	C
Kennel	C
Park, Public	P
Place of Worship (Less than 20,000 sq.ft. )	P
Sand & Gravel Pit/Mineral Extraction Facility	C
Sportsman's Club	C
Stables & Riding Academies	P
Veterinary Clinic/Hospital	C
Winery	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Agritourism	C
Home Occupation	P
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
* <b>P</b> = Permitted by Right <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board, <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors	

**SECTION 403 LOT, YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

Use Type/Dimension	Single Family Farm Dwellings And Non-Farm Dwellings	Non-Residential Uses
Minimum Lot Area	40,000 sq.ft.	40,000 sq.ft.
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 224 sq.ft.:30 feet each side. Accessory structures with less than 224 sq.ft.: Interior lot 5 feet. 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 224 sq.ft.—35 feet. Accessory structures with less than 224 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%	25%

**SECTION 404 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:

- Calculate Total Tract Acreage
- Subtract lands in Rights of Way or Utility Easements
- Subtract lands in Open water, Hydric Soils, or other statutory Wetlands
- Subtract lands in 15%+ Steep Slope as determined by USGS 1:24000 Series, local Topographic Mapping, or The Township Comprehensive Plan maps
- Subtract lands 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:

1. 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.
2. 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.
3. 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.
  4. 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.
  5. Ridgelines and watershed boundaries shall be identified.
  6. 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 V  
LOW DENSITY RESIDENTIAL DISTRICT**

**SECTION 501 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. This district also affords the opportunity for limited farming.

**SECTION 502 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Agricultural Uses	P
Airports & Private Airstrips	C
Dwelling, Single-Family	P
Emergency Response Facility	P
Essential Service	P
Essential Service Structure	C
Group Residence Facility	C
Park, Public	P
Place of Worship (Less than 20,000 sq.ft.)	P
Planned Residential Development	C
Sand & Gravel Pit/ Mineral Extraction	C
Stables & Riding Academies	C
Veterinary Clinic/Hospital	C
Winery	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Occupation	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
<p>* P = Permitted by Right                      SE = Permitted by Special Exception with a hearing before the Zoning Hearing Board,                      C = Permitted by Conditional Use with a hearing before the Township Board of Supervisors</p>	

**SECTION 503 LOT, YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

Use Type/Dimension	Single Family Farm Dwellings And Non-Farm Dwellings	Non-Residential Uses
Minimum Lot Area	40,000 sq.ft.	40,000 sq.ft.
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 224 sq.ft. of floor area—15 feet Accessory structures with less than 224 sq.ft. 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 224 sq.ft. of floor area—35 feet.  Accessory structures with less than 224 sq.ft. 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%	25%

**ARTICLE VI  
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

**SECTION 601 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.

**SECTION 602 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Airports & Private Airstrips	C
Dwelling, Single-Family	P
Dwelling, Two-Family (Provided no such dwelling abuts another)	P
Emergency Response Facility	P
Essential Service	P
Essential Service Structure	C
Group Residence Facility	C
Nursing, Convalescent, Assisted Living, & Retirement Home	C
Park, Public	P
Place of Worship (Less than 20,000 sq.ft.)	P
Planned Residential Development	C
Professional Office/Service	SE
School (Primary/Secondary)	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
<p>* <b>P</b> = Permitted by Right  <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board,  <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors</p>	

**SECTION 603 LOT, YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

Use Type/Dimension	Single Family Dwellings	Duplex Dwellings	Non-Residential Uses
Minimum Lot Area	With public sewer & water-- 10,000 sq.ft. With public sewer and private water--15,000 sq.ft. With private sewer and public or private water--20,000 sq.ft.	With public sewer and water-- 15,000 sq.ft. With public sewer and private water--20,000 sq.ft. With private sewer and public or private water--30,000 sq.ft.	40,000 sq.ft excluding street right-of-way
Minimum Lot Width	With public sewer and water--75 feet.  With public sewer and on-site water--80 feet.  With private sewer and/or water--100 feet.	With public sewer and water-- 100 feet.  With public sewer and private water--120 feet.  With private sewer and public or private 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 224 sq.ft. of floor area--10 feet each side. Accessory structures with less than 224 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 224 sq.ft. of floor area--15 feet each side. Accessory structures with less than 224 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 224 sq.ft. of floor area--35 feet.  Accessory structures with less than 224 sq.ft..- 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%	35%	35%



**ARTICLE VII**

**R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

**SECTION 701 PURPOSE**

The purpose of this district 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.

**SECTION 7 02 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Dwelling, Multi-Family Dwelling	C
Dwelling, Single-Family Dwelling	P
Dwelling, Two-Family Dwelling	P
Emergency Response Facility	P
Essential Service	P
Essential Service Structure	C
Group Residence Facility	C
Nursing, Convalescent, Assisted Living, & Retirement Home	C
Park, Public	P
Place of Worship (Less than 20,000 sq.ft.)	P
Professional Office/Service	SE
School (Primary/Secondary)	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
<p>* P = Permitted by Right                      SE = Permitted by Special Exception with a hearing before the Zoning Hearing Board,                      C = Permitted by Conditional Use with a hearing before the Township Board of Supervisors</p>	

**SECTION 7 03 LOT, YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

<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 public sewer & water: 10,000 sq.ft. With public sewer & private water: 15,000 sq.ft. With private sewer & public or private water: 20,000 sq.ft.	With public sewer & water-- 15,000 sq.ft. With public sewer & private water: 20,000 sq.ft. With private sewer & public or private water: 30,000 sq.ft.	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 sq.ft. excluding street right-of-way
Minimum Lot Width	With public sewer & water: 75 feet With public sewer & private water: 80 feet With private sewer &/or water: 100 feet	With public sewer & water: 100 feet With public sewer & private water: 110 feet With private sewer & public or private 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 & Iroquois Avenue	35 feet; however, depth shall be 50 feet for properties fronting on Routes 5 and 20 & Iroquois Avenue	50 feet	50 feet
Minimum Side Yard Width	Principal structures & accessory structures with more than 224 sq.ft. of floor area: 10 feet each side. Accessory structures with less than 224 sq.ft. of floor area: <ul style="list-style-type: none"> <li>• Interior lot line: 5 feet</li> <li>• Street side on corner lot: 20 feet</li> </ul>	Principal structures & accessory structures with more than 224 sq.ft. of floor area: 15 feet Accessory structures with less than 224 sq.ft. of floor area: <ul style="list-style-type: none"> <li>• Interior lot line: 5 feet</li> <li>• Street side on corner lot: 20 feet</li> </ul>	Principal structures & accessory structures with more than 224 sq.ft. of floor area: 35 feet Accessory structures with less than 224 sq.ft. of floor area: <ul style="list-style-type: none"> <li>• Interior lot line: 5 feet</li> <li>• Street side on corner lot: 20 feet</li> </ul>	100 feet from a residential use; 50 feet from another non-residential use
Minimum Rear Yard Depth	Principal structures & accessory structures with more than 224 sq.ft. of floor area: 35 feet Accessory structures with less than 224 sq.ft.: 5 feet	Principal structures & accessory structures with more than 224 sq.ft. of floor area: 35 feet Accessory structures with less than 224 sq.ft. of floor area: <ul style="list-style-type: none"> <li>• Interior lot line: 5 feet</li> <li>• Street side on corner lot: 20 feet</li> </ul>	Principal structures and accessory structures with more than 224 sq.ft. of floor area: 30 feet Accessory structures with less than 224 sq.ft. of floor area: <ul style="list-style-type: none"> <li>• Interior lot line: 5 feet</li> <li>• Street side on corner lot: 20 feet</li> </ul>	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%	35%	40%	40%

**ARTICLE VIII  
R-4 COLLEGE RELATED RESIDENTIAL/COMMERCIAL DISTRICT**

**SECTION 801 PURPOSE**

The purpose of this 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.

**SECTION 802 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Bed & Breakfast Establishment	C
Colleges & Universities & Supported Buildings	P
Day Care Facility	P
Dwelling, Multi-Family	P
Dwelling, Single-Family	P
Dwelling, Two-Family	P
Eating & Drinking Establishment (Less than 5,000 sq.ft.)	P
Eating & Drinking Establishment (Greater than 5,000 sq.ft.)	P
Emergency Response Facility	P
Essential Service	P
Essential Service Structure	C
Fraternity/Sorority	C
Golf Course (Private or Public)	P
Group Residence Facility	C
Hotel/Motel/Motor Inn	P
Laundromat	P
Library	P
Mixed Residential/Commercial Buildings	P
Park, Public	P
Place of Worship (Greater than 20,000 sq.ft.)	P
Planned Research & Business Park	P
Planned Residential Development	C
Professional Office/Service	P
Research Laboratories	P
Retail (Less than 5,000 sq.ft.)	P
Rooming House	P
School (Primary/Secondary)	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
* <b>P</b> = Permitted by Right <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board, <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors	

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

Use Type/ Dimension	Single Family Dwellings	Duplex Dwellings	Multi Family Dwellings	Non-Residential Uses
Minimum Lot Area	With public sewer and water--10,000 sq.ft. With public sewer and private water--15,000 sq.ft. With private sewer and public or private water--20,000 sq.ft.	With public sewer and water--15,000 sq.ft.. With public sewer and private --20,000 sq.ft. With private sewer and public or private water--30,000 sq.ft.	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 public sewer and water--75 feet. With public sewer and private water--80 feet. With private sewer and/or water--100 feet.	With public sewer and water--100 feet. With public sewer and private water--110 feet. With private sewer and public or private 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 224 sq.ft. of floor area--10 feet each side. Accessory structures with less than 224 sq.ft.of floor area: Interior lot line--5 feet. Street side on corner lot--20 feet.	Principal structures and accessory structures with more than 224 sq.ft.of floor area--15 feet each side. Accessory structures with less than 224 sq.ft. 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 224 sq.ft. of floor area--35 feet; accessory structures with less than 224 sq.ft. of floor area-5 feet.	50 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 224 sq.ft.of floor area--35 feet. Accessory structures with less than 224 sq.ft.--5 feet.	Principal structures and accessory structures with more than 224 sq.ft.of floor area--35 feet. Accessory structures with less than 224 sq.ft.-- 5 feet	As related to perimeter and/or interior property lines: principal structures and accessory with more than 224 sq.ft.of floor area--30 feet; accessory structures with less than 224 sq.ft.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	45 feet	Principal – 45 feet Accessory – 30 feet
Maximum Coverage	40%	40%	40%	35%

**ARTICLE IX  
PU PUBLIC UNIVERSITY DISTRICT**

**SECTION 901 PURPOSE**

The purpose of this 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.

**SECTION 902 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Colleges & Universities & Supported Buildings	P
Dormitory	P
Dwelling, Multi-Family	P
Dwelling, Single-Family	P
Eating & Drinking Establishment (Less than 5,000 sq.ft.)	P
Eating & Drinking Establishment (Greater than 5,000 sq.ft.)	P
Emergency Response Facility	P
Energy Facility System	P
Essential Service	P
Essential Service Structure	C
Fraternity/Sorority	C
Group Residence Facility	C
Hotel/Motel/Motor Inn	P
Laundromat	P
Library	P
Place of Worship (Greater than 20,000 sq.ft.)	P
Planned Research & Business Park	P
Recreation Facility (Outdoor Commercial)	C
Research Laboratories	P
Retail (Less than 5,000 sq.ft.)	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
* <b>P</b> = Permitted by Right <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board, <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors	

**SECTION 903 YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

<b>Use Type/Dimension</b>	<b>Single Family Dwellings</b>	<b>Multi-Family Dwellings</b>	<b>Colleges and Universities</b>	<b>Other Non-Residential Uses</b>
Minimum Lot Area	40,000 Square Feet	1 acre, max density shall be 16 units per acre.	20,000 square feet	40,000 Square Feet
Minimum Lot Width	150 Feet	200 Feet	100 Feet	200 Feet
Minimum Front Yard Depth	50 Feet	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 Accessory structures with less than 224 sq.ft. of floor area: • interior lot line: 5 feet • street side or corner lot: 20 feet	100 Feet from Residential Use 35 Feet from Non-Residential Use	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	100 Feet from Residential Use 30 Feet from Non-Residential Use	20 feet between buildings within a college or University campus 100 feet from single family residential use or an R-4 District	50 Feet from other nonresidential, 100 feet from residential use
Maximum Height of Structure	45 Feet	45 Feet	45 Feet	45 Feet
Maximum Coverage	30%	30%	30%	30%

**ARTICLE X  
V VILLAGE DISTRICT**

**SECTION 1001 PURPOSE**

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.

**SECTION 1002 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Bed & Breakfast Establishment	C
Dwelling, Single-Family Dwelling	P
Eating & Drinking Establishment (Less than 5,000sq.ft.)	P
Emergency Response Facility	P
Essential Service	P
Funeral Home	P
Group Residence Facility	C
Laundromat	C
Multi-Family Dwelling	SE
Park, Public	P
Personal Service Establishment	P
Place of Worship (Less than 20,000 sq.ft.)	P
Professional Office/Service	P
Recreation Facility (Indoor Commercial)	P
Retail (Less than 5,000 sq.ft.)	C
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
<p>* <b>P</b> = Permitted by Right  <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board,  <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors</p>	

**SECTION 1003 YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

<b>Use Type/ Dimension</b>	<b>Single Family Dwellings</b>	<b>Multiple Family Dwellings</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	10,000 Square Feet (New lots created shall be at least 40,000 sq.ft. unless served by public sewer)	40,000 square feet minimum plus 5,000 sq.ft. for each additional unit.	40,000 sq.ft.
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	5 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	15 Feet	15 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%	50%	50%
Additional Lot Standards	Accessory structures with less than 224 sq.ft. of floor area Interior Lot Line – 5 feet Street Side on Corner Lot – 20 feet		



**ARTICLE XI  
LF LAKEFRONT ZONING DISTRICT**

**SECTION 1101 PURPOSE**

The purpose of this district is to plan and encourage infill and expansion of existing development on Lake Erie Bluff with sound practices to help protect the stability of the bluff, yet realize the full economic potential of the unique features of the lake. This district provides for a mixed use of small-scale commercial and residential uses.

**SECTION 1102 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Dwelling, Single-Family	P
Dwelling, Multi-Family (55+)	C
Dwelling, Townhome	C
Eating & Drinking Establishment (Less than 5,000sq.ft.)	P
Emergency Response Facility	P
Essential Service (Public Utility)	P
Essential Service Structures	C
Event Venue	C
Group Residence Facility	C
Marina	C
Nursing, Convalescent, Assisted Living, & Retirement Home	C
Park, Public	P
Personal Service Establishment	P
Place of Worship (Less than 20,000 sq.ft.)	P
Planned Residential Development	C
Professional Office/Service	P
Recreation Facility (Indoor Commercial)	P
Research Laboratories	C
Retail (Less than 5,000 sq.ft.)	C
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
<p>* P = Permitted by Right                      SE = Permitted by Special Exception with a hearing before the Zoning Hearing Board,                      C = Permitted by Conditional Use with a hearing before the Township Board of Supervisors</p>	

**SECTION 1103 YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

<b>Use Type/Dimension</b>	<b>Single Family Dwellings And Seasonal Dwellings</b>	<b>Townhomes*</b>	<b>Non-Residential Uses</b>
Minimum Lot Area	10,000 sq.ft (new lots created shall be at least 30,000 sq.ft. unless served by public sewer)	5 acres	30,000 sq.ft.
Minimum Lot Width	75 feet	200 feet	100 feet
Minimum Front Yard Depth	35 feet, or an average of nearest two adjacent structures, provided such structures are within 100 feet	50 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 224 sq.ft. of floor area: Interior lot line—5 feet, street side on corner lot—20 feet.	50 feet	10 Feet from other nonresidential, 75 feet from residential use
Minimum Rear Yard Depth	35 Feet Lake Bluff - 50 feet	Lake Bluff - 75 feet	10 Feet from other nonresidential, 75 feet from residential use. Lake Bluff – 75 feet
Maximum Height of Structure	45 feet	35 feet	45 feet
Maximum Coverage	50%	40%	50%

\* Note: Townhomes shall have a maximum of four (4) units per acre with a maximum of four (4) units per building. They shall also comply with the Township Subdivision and Land Development Ordinance.

**ARTICLE XII  
B-1 BUSINESS DISTRICT**

**SECTION 1201 PURPOSE**

The purpose of this district is to provide for a cohesive yet diverse district with increased economic opportunity and to provide an area which business establishments and residential are encouraged.

**SECTION 1202 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Automotive Service Facility	P
Building Material & Supply Facility	P
Car Wash Facility	P
Day Care Facility	P
Eating & Drinking Establishment (Less than 5,000 sq.ft.)	P
Eating & Drinking Establishment (Greater than 5,000 sq.ft.)	P
Emergency Response Facility	P
Essential Service	P
Essential Service Structure	C
Event Venue	P
Funeral Home	P
Gasoline Service Station	P
Hospital/Clinic	P
Hotel/Motel/Motor Inn	P
Laundromat	P
Micro-Brewery	P
Mixed Residential/Commercial Buildings	P
Outdoor Commercial Display Establishment	P
Personal Service Establishment	P
Pet Grooming Establishment	P
Place of Worship (Greater than 20,000 sq.ft.)	P
Professional Office/Service	P
Recreation Facility (Indoor Commercial)	P
Recreation Facility (Outdoor Commercial)	C
Rental Service Facility	P
Research Laboratories	C
Retail (Less than 5,000 sq.ft.)	P
Retail (Greater than 5,000 sq.ft.)	P
Social & Fraternal Club	P
Veterinary Clinic/Hospital	P

<b>ACCESSORY USE</b>	<b>TYPE*</b>
Home Occupation	C
No-Impact Home Based Business	P
Solar Energy System, Small	P
Wind Energy System, Small	P
Wireless Communication, Co-Location	P
<p>* <b>P</b> = Permitted by Right  <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board,  <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors</p>	

**SECTION 1203 LOT, YARD AND HEIGHT REQUIREMENTS (See Appendices for illustrations)**

<b>Use Type/Dimension</b>	<b>All Uses</b>
Minimum Lot Area	20,000 sq.ft.
Minimum Lot Width	100 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	50 feet Properties abutting Route 5: 65 feet
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%

**ARTICLE XIII  
B-2 INTERCHANGE BUSINESS DISTRICT**

**SECTION 1301 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.

**SECTION 1302 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Automotive Impound/Towing	C
Automotive Service Facility	P
Brewery	P
Building Material & Supply Facility	P
Car Wash Facility	P
Distillery	P
Eating & Drinking Establishment (Less than 5,000 sq.ft.)	P
Eating & Drinking Establishment (Greater than 5,000 sq.ft.)	P
Emergency Response Facility	P
Essential Service	P
Essential Service Structure	C
Event Venue	P
Gasoline Service Station	P
Hospital/Clinic	C
Hotel/Motel/Motor Inn	P
Industrial (light)	P
Micro-Brewery	P
Mixed Residential/Commercial Buildings	P
Outdoor Commercial Display Establishment	P
Place of Worship (Greater than 20,000 sq.ft.)	P
Recreation Facility (Indoor Commercial)	P
Recreation Facility (Outdoor Commercial)	C
Rental Service Facility	P
Research Laboratories	C
Retail (Greater than 5,000 sq.ft.)	P
Retail (Less than 5,000 sq.ft.)	P
Self Storage Facility	P
Social & Fraternal Club	P
Truck & Heavy Equipment Sales, Service, & Repair Facility	P
Truck Terminal	P
Warehouse, Wholesale Facility	P
Wireless Communication Facility	P
* <b>P</b> = Permitted by Right <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board, <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors	

<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
* <b>P</b> = Permitted by Right <b>SE</b> = Permitted by Special Exception with a hearing before the Zoning Hearing Board, <b>C</b> = Permitted by Conditional Use with a hearing before the Township Board of Supervisors	

**SECTION 1303 LOT AND AREA REQUIREMENTS (See Appendices for illustrations)**

<b>Use Type/Dimension</b>	<b>All Uses</b>
Minimum Lot Area	40,000 sq.ft.
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 use or zone - 50 feet.
Minimum Rear Yard Setback	When abutting another commercial or nonresidential use - 30 feet  When abutting a residential zone or use - 50 feet.
Maximum Height of Structure	Principal use – 45 feet  Accessory Use – 30 feet
Maximum Coverage	40%

**ARTICLE XIV**

**I INDUSTRIAL/MIXED USE DISTRICT**

**SECTION 1401 PURPOSE**

The purpose of this district is to provide flexible areas where industrial, heavy commercial, and clustered residential activities can be conducted or developed to foster redevelopment, infill, and economic opportunities without creating undesirable or incompatible situations and/or conflicts with adjacent land uses and without causing increased traffic congestion and/or traffic circulation problems and conflicts.

**SECTION 1402 TABLE OF USES**

<b>PRINCIPAL USE</b>	<b>TYPE*</b>
Adult Entertainment Establishment & Associated Facility	C
Automotive Impound/Towing	P
Automotive Service Facility	P
Building Material & Supply Facility	P
Emergency Response Facility	P
Energy Facility System	P
Essential Service	P
Essential Service Structure	C
Flea Market	C
Industrial (Light)	P
Industrial (Heavy)	P
Industrial Parks	P
Junkyard	C
Kennel	C
Landfill	C
Medical Marijuana Dispensary	C
Medical Marijuana Growing/Processing	C
Micro-Brewery	C
Mobile Home Parks	P
Place of Worship	P
Recreation Facility (Indoor Commercial)	P
Recreation Facility (Outdoor Commercial)	C
Research Laboratories	P
Rental Service Facility	P
Self Storage Facility	P
Treatment Center/Pre-Release Detention Facility	SE
Truck & Heavy Equipment Sales, Service, & Repair Facility	P
Warehouse, Wholesale Facility	P
Wireless Communication Facility	P
<b>ACCESSORY USE</b>	<b>TYPE*</b>
Accessory Solar Energy System	P
Home Occupation	C
No-Impact Home Based Business	P
Small Wind Turbine	P
Wireless Communication, Co-Location	P
* P = Permitted by Right SE = Permitted by Special Exception with a hearing before the Zoning Hearing Board, C = Permitted by Conditional Use with a hearing before the Township Board of Supervisors	

**SECTION 1403 LOT AND AREA REQUIREMENTS (See Appendices for illustrations)**

Use Type/Dimension	All Uses
Minimum Lot Area	40,000 sq.ft.
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	50 feet
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%

**SECTION 1404 INDUSTRIAL PERFORMANCE STANDARDS**

- A. 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:
  - 1. Fire and Emergency Protection:
    - a. Direct and unobstructed access to the perimeter of all the buildings shall be provided for emergency vehicles.
    - b. Access for emergency vehicles must be constructed to sustain the weight of the emergency vehicles and equipment and shall not be less than 18' wide.
    - c. The fire department whose jurisdiction the site is in shall review the site plan to ensure the location of fire hydrants are accessible and spaces between buildings are adequate.
  - 2. Electrical Disturbance:
    - a. No activity shall cause electrical disturbances adverse to radio, television or other communication equipment in the neighboring area.
  - 3. Noise:
    - a. No operation or activity shall cause or create noise in such a manner as to create a disturbances across property lines.
  - 4. Vibrations:
    - a. Vibrations detectable without instruments on neighboring property in any zoning district, except for the Industrial District shall be prohibited.
    - b. Vibrations within the Industrial District be permitted providing such vibrations do not endanger or in any way damage neighboring persons or properties.
  - 5. Odors:



- a. No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the property lines.
  6. Smoke, Ash, Dust, Fumes, Vapors, and Gases:
    - a. The maximum amount of emissions from smoke, ash, dust, fumes, vapors or gases permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines.
    - b. No shade darker than No. 2 will be allowed.
    - c. Emissions at any point from any source which can cause damage to health, to animals or vegetation, or to other forms of property or which can cause excessive soiling at any point is prohibited.
  7. Lighting and Glare:
    - a. See Harborcreek's Subdivision and Land Development Ordinance.
  8. Erosion:
    - a. No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.
  9. In addition to the above regulations, all uses and activities within the Industrial Zoning District shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
- B. Determination of Compliance with Performance Standards:
1. At the time of a zoning application, the applicant may be required to submit data and evidence documenting that the proposed activity, facility, or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

**ARTICLE XV**  
**PLANNED RESEARCH AND BUSINESS PARK**

**SECTION 1501 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.

**SECTION 1502 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
- 1. Lot area shall be a minimum of 20,000 sq. ft.

**SECTION 1503 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 1504 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. Regardless of location, the maximum height of any building in the district shall be sixty (60) feet.

**SECTION 1505 PERIMETER REQUIREMENTS**

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 setback requirements provided they meet requirements of the Harborcreek Township Subdivision and Land Development Ordinance.

**SECTION 1506 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 1507 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 1508 SIGNAGE**

- A. One (1) free standing Park ID sign may be permitted at each road entrance to the Park.
- B. One (1) free standing Building ID sign may be permitted at the road entrance of the building.
- C. One (1) free standing Tenant ID sign may be permitted at the building to identify tenants.
- D. Light poles may be used as Park Tenant Welcome Banners. Non-tenant advertisement shall be prohibited.
- E. Identification sign shall not exceed 32 sq. ft.

**SECTION 1509 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. There shall be no direct glare, whether from floodlights or high-temperature processes, so as to be visible from adjoining zoning districts.

**SECTION 1510 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 and improvement access that will sustain emergency vehicles will be shown at the time of Preliminary Plan approval and can be provided by a second entrance or an approved alternative solution.

#### **SECTION 1511 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 following 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 1512 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 1513 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 developer 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:
  - 1. Utility and drainage easements shall be provided in conformance with the requirements of the Harborcreek Township Subdivision and Land Development Ordinance and Stormwater Management Ordinance.
- D. Monuments and Markers:
  - 1. 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 1514 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 1515 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. The review policy is based on the total square footage of new impervious area.

## **ARTICLE XVI 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.

### **SECTION 1601 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.

### **SECTION 1602 APPLICATION OF PROVISIONS**

PRD may be permitted in the R-1 Rural Residential, R-2 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.

### **SECTION 1603 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.

### **SECTION 1604 AVAILABILITY OF PUBLIC SERVICES AND ACCESS**

- A. 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.
- B. 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 and Stormwater Management Ordinance.
- C. All PRD developments shall be regulated to the local and regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission, Township 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.

**SECTION 1605 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 Township Board of Supervisors which shall conduct public hearings. The Township Board of Supervisors shall have final authority to approve, modify or disapprove development plans at their discretion as to what is best for Harborcreek community based on the provisions of the PRD section of the Zoning Ordinance and other issues affecting the health, safety, and welfare of citizens in, or adjacent to the PRD.

**SECTION 1606 STANDARDS AND REQUIREMENTS**

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

Zoning District	Type	Allowable Dwelling units per Buildable Acre	Allowable Number of Dwelling Units per building
R-1 Rural Residential (minimum 20 acres)	Single family, duplex, triplex, quadriplex, townhouse designs	One (1) dwelling unit per each 40,000 square feet of buildable area	Four (4)
R2 Residential Districts and LF Lakefront Districts (minimum 20 acres)	Single family, duplex, triplex, quadriplex, townhouse designs	One (1) dwelling unit per each 20,000 square feet of buildable area	Up to (8)
R2 Residential (minimum 20 acres)	Single family, duplex, triplex, quadriplex, and Multi-story design (shall not exceed 3 stories)	One (1) dwelling unit per each 4,000 square feet of buildable area	Up to (36)

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.

**SECTION 1607 LOT AND STRUCTURE REQUIREMENTS**

A. 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.

- B. 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
R2 LF Lakefront	50 Feet	100 Feet	200 Feet
R2 (multi-story structure)	50 Feet	200 Feet	500 Feet

- C. Lot coverage shall be consistent with the Zoning District in which the PRD is located and shall be based upon the entire PRD.
- D. Configuration of Structures containing more than one dwelling unit: Buildings housing more than one dwelling unit may be of a single story configuration or of a townhouse configuration, or multi-story structure (where permitted) not exceeding 3 stories.
- E. 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. 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.
  - b. 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:
    - i. Timber management and forestry.
    - ii. Agriculture.
    - iii. Equestrian activities by community residents.
    - iv. Scenic areas and vistas.
    - v. Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits.
    - vi. Developed parklands.
    - vii. 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.
- F. 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.

- G. 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 Township Board of Supervisors as to suitability for the proposed use of the open areas.
- H. 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.
- I. 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:
1. 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.
  2. The open space restrictions must be permanent, not just for a period of years.
  3. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  4. Homeowners must pay their pro-rata share of the cost. The assessment levied by the association can become a lien on the property.
  5. The association must be able to adjust the assessment to meet changed needs.
  6. 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.

#### **SECTION 1608 MAINTENANCE OF OPEN SPACE BY TOWNSHIP**

- A. 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.

- B. 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 of 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.
- C. 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 Erie County, upon the properties affected by the lien within the PRD.

#### **SECTION 1609 PERMITTED USES**

- A. Land and buildings may be used for the following purposes:
1. Single-family (detached dwelling units)
  2. Multifamily dwelling units of a duplex, triplex, quadriplex or townhouse design and configuration (Pursuant to limitations upon dwelling units per building).
  3. Multi-Story Structures shall be permitted in R2 zoning districts in the PRD and shall not exceed 3 stories in height.
  4. Schools, public and private, if state-accredited Churches and other places of worship.
  5. Non-commercial community centers or recreation structure.
  6. 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.
  7. Accessory retail dining and service facilities may be permitted by specific approval of the Township 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.
- B. No PRD shall be approved unless it is consistent with the purposes of the regulations as stated in 1701 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.

**SECTION 1610 CIRCULATION AND PARKING**

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

**SECTION 1611 LANDSCAPING**

- A. 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.
- B. 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.
- C. 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.
- D. All manufactured slopes shall be planted or protected from erosion and shall be of a character to blend with surrounding terrain.
- E. 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.
- F. 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.
- G. Signs
  - 1. All sign internal installations and lighting of signs shall meet the standards for signs established for Residential Districts by this Ordinance.
  - 2. Plans shall indicate the location, size and character of any sign within the PRD intended to be seen from public ways outside the district.
  - 3. 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.
- H. Waste Disposal

1. Adequate provision shall be provided for garbage and trash removal.

### **SECTION 1612 PRD PLAN SUBMISSION AND APPROVAL**

Planned Residential Developments shall be reviewed in three separate stages, if applicable:

1. Conditional Use, 2. Tentative Plan, and 3. Final Plan (phases if applicable). The previous phase must be approved before the next phase may be sought.

#### **Conditional Use Application Submittal:**

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.

#### **Conditional Use Requirements:**

- A. 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.
- B. Existing Resources and Site Analysis Plan:
  1. A vertical aerial photograph enlarged to a scale not less detailed than 1" = 400', with the site boundaries clearly marked.
  2. Topography, the contour lines interpolated from U.S.G.S. published maps. Slopes over fifteen percent (15%) shall be clearly indicated.
  3. 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.
  4. 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, and vegetative types along with the relative age and condition.
  5. If private 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 waste disposal systems'

suitability.

- a. Ridgelines and watershed boundaries shall be identified.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
  - f. 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.
  - g. Total acreage of the tract.
6. 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 Conceptual 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
    - 1) 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

- 1) 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

- 1) 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.

7. 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 Township Board of Supervisors.

### **SECTION 1613 TENTATIVE PLAN APPLICATION SUBMITTAL**

- A. An application for tentative approval of the development plan for a Planned Residential Development shall be filed by or on behalf of the landowner.
- B. 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 Administrator.
- C. 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.
- D. Requirements:
  1. Name of proposed planned residential development North point.
  2. Graphic scale and legend describing all symbols shown on the plan.
  3. Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
  4. 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).
- 5. Name, address and seal of the individual or firm preparing the plan.
- 6. Names of abutting property owners, tax parcel numbers, and their deed book and page numbers.
- 7. Key map showing the location of proposed planned residential development and all roads within five thousand (5,000) feet from proposed PRD.
- 8. Erie County tax parcel numbers of all parcels included in the planned residential development A Certification of Ownership and Plan Acknowledgment Signature Block.
- 9. An Offer of Dedication Signature Block Township Approval Signature Block Recorder of Deeds Signature Block.
- 10. Existing Features per the Conditional Use approval phase, updated as necessary.
- 11. Perimeter boundaries of the total property showing bearings to the nearest minute and distances to the nearest hundredth of a foot.
- 12. 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.
- 13. 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.
- 14. Land under current agricultural uses, including cultivated fields, orchards, pastures and similar uses.

**SECTION 1614 PROPOSED DEVELOPMENT**

- A. 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.
  - 1. The appropriate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet) using the scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.
  - 2. A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.
  - 3. A general grading plan showing any major alterations to the topography of the site.
  - 4. 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.
  - 5. 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.

6. 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.
  7. 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.
  8. 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.
- B. 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.
1. An explanation of the design pattern of the planned residential development.
  2. A statement describing any proposed innovative design concepts included in the plan.
  3. 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.
  4. A description of the form of organization proposed to own and maintain the common open space, recreational facilities or other common facilities.
  5. A statement of the proposed use and improvement of common open space and recreational facilities, and prime or active farmlands.
  6. A description of proposals to preserve natural features and existing patterns and detention pond areas. The plan should include preliminary pond sizing calculations.

#### **SECTION 1615 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:

- A. 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.
  1. 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.
- B. The approximate date when each phase will be completed.
- C. 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.
- D. 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.
- E. 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.

**SECTION 1616 PUBLIC HEARINGS**

- A. Within sixty (60) days after the filing of an application for tentative plan 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 in the manner prescribed in the Pennsylvania Municipalities Planning Code.
- B. 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.

**SECTION 1617 THE FINDINGS**

- A. 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:
  - 1. Grant tentative approval of the development plan as submitted;
  - 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - 3. Deny tentative approval to the development plan.
- B. 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.
- C. 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:
  - 1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of Harborcreek Township;
  - 2. 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;
  - 3. 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;

4. 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;
  5. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and
  6. 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.
- D. 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.

**SECTION 1618 STATUS OF PLAN AFTER TENTATIVE APPROVAL**

- A. 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.
- B. 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.
- C. 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.

**SECTION 1619 FINAL PLAN SUBMITTAL**

- A. Final Plan may contain phases with the PRD. Each phase must be submitted and reviewed for approval.
- B. 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 Administrator 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 Administrator and the Planning Commission for compliance prior to being forwarded to the governing body.
- C. 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.
- D. 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.
- E. In the event of such refusal, the landowner may either:
  - 1. Re-file his application for final approval without the variations objected, or
  - 2. File a written request with the approving body that it holds a public hearing on his application for final approval.
- F. 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.

- G. 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.
- H. 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.

#### **SECTION 1620 ENFORCEMENT**

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

**ARTICLE XVII**  
**SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES**

**SECTION 1701 ADDITIONAL REGULATIONS**

**A. Accessory Solar Energy System:**

1. Permitted in all zoning districts provided the following are met:
  - a. Rear and side yard setback of 10 feet and front yard setback of the zoning district within which it is located for ground mounted facilities.
  - b. Energy facilities and related energy equipment shall be placed in such a way that no glare projects onto nearby structures or roadways.
  - c. A building permit shall be secured and shall comply with PA UCC Code.
  - d. This use does not require a zoning permit.

**B. Adult Entertainment Establishment & Associated Facilities:**

1. Minimum spacing and proximity requirements:
  - a. No adult entertainment establishment shall be located within 1,000 feet of any other adult entertainment establishment.
  - b. No adult entertainment establishment shall be located within specified distances or certain land uses as set forth below:
    - 1) No such establishments shall be located within 400 feet of a residential district.
    - 2) 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:
      - i. Amusement park
      - ii. Camp (for minors' activities)
      - iii. Child care facility
      - iv. Church or other similar religious facility
      - v. Community center
      - vi. Museum
      - vii. Park
      - viii. Playground
      - ix. School and school bus stops
      - x. 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.
2. Visibility from the street:

- a. 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.

C. **Agritourism:**

- 1. All activity or temporary structures shall be located a minimum of 200 feet from an existing occupied residence on an adjoining property.
- 2. A minimum of fifty (50) feet of screening and/or landscaping shall be provided around the perimeter to mitigate any visual and/or audible impacts on adjoining residential uses or districts.

D. **Airports and Private Airstrips:** 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 proposed facility will be 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. Airports shall be in conformance with the requirements of the Harborcreek Township Airport Hazard Ordinance.
- 4. Heliports and Helistops:
  - a. 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.

- b. Minimum landing areas:
  - 1) 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.
  - 2) 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.
  - 3) A site located adjacent to a body of water shall have a rowboat available at the site to aid possible rescue operations.
  - 4) A wind direction indicator shall be provided at the site and in the case of night operation, the navigation facility shall be lighted.
- c. Permits:
  - 1) A zoning permit for a heliport or helistop shall be issued by the Zoning Administrator 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).
  - 2) A zoning permit may be revoked when any of the above licenses, permits or approvals has been revoked by the issuing agency.
  - 3) 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.

E. **Automobile Impound/Towing:**

- 1. All materials from wrecked vehicles shall be secured so that any material is not transferred off the premises by natural causes.
- 2. The storage of wrecked vehicles shall be enclosed by a fence, at least 8' in height. The enclosed area shall not be visible to the public.
- 3. Gates shall be similarly constructed and maintained and shall be kept securely locked

at all times when the establishment is not open.

4. The setback yard open areas shall always be clean, vacant, and well maintained.
5. Required greenspace buffer shall be provided per the Harborcreek Subdivision and Land Development Ordinance.
6. 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 20 gallons in aggregate shall be stored aboveground.

F. **Bed & Breakfast Establishment:**

1. Lot size 20,000 sq. ft. per guest bedroom.
2. Maximum of 3 guest bedrooms.
3. Minimum of 1 full bath per every 3 guests.
4. Guest rooms must be located in the primary dwelling unit and not in accessory structures.
5. No more than 40% of the primary dwelling can be devoted to the Bed & Breakfast. The calculation is based on the guest bedrooms and baths.
6. If not served by public sewer and water, the use must be approved by the Erie County Health Department.
7. There shall be no changes to the external appearance of the building other than normal upkeep.
8. No goods may be publicly displayed for sale on the premises.
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 XX.
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 landscaping or fencing.
15. The Bed & Breakfast shall comply with the Federal Life Safety Code, the rules and regulations of the PA Uniform Construction Code, and all other applicable building, safety, and fire codes of the federal, state, and local government.
16. An annual inspection shall be performed by the Zoning Administrator to assure compliance with all conditions.

G. **Brewery/Micro-Brewery:**

1. The facility may include a retail, eating, drinking and/or tasting component that occupies a minimum of 20% of usable space, fronts the street at the sidewalk level and is open to the public.
2. The facility shall comply with all applicable state requirements.
3. The facility shall not produce odors, gas, dust or any other atmospheric pollutant detrimental to the health, safety or general welfare of persons living or working in the surrounding area.

H. **Building Material and Supply Facility:**

1. All outdoor stockpile of materials shall be enclosed with a fence that is architecturally compatible with the main building.

I. **Campground & Recreational Vehicle Park:**

1. Shall have a minimum lot area of twenty (20) acres.
2. Shall be required to submit a subdivision or land development plan that meets all standards of the Harborcreek Township subdivision and land development Ordinance.
3. Roads to access individual campsites shall be at least 16 feet in width, and must be improved with a dust free surface, either paved or gravel.
4. Shall comply with the Township's Stormwater Ordinance (gravel is considered impervious).
5. Shall provide evidence of compliance with Department of Environmental Protection standards for water and sanitary sewer facilities.
6. 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.
7. 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.

J. **Cemetery:**

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.

K. **Dwelling, Multi-Family:**

1. Permitted by right in the R-3 Zoning District and shall meet the following requirements:
  - a. No building shall not exceed eight (8) dwelling units.
  - b. Development shall comply with the Subdivision and Land Development Ordinance in relation to greenspace for Cluster Development.
2. Permitted by special exception in the Village District and shall meet the following

requirements:

- a. Developer shall present a sketch plan that includes elevations or architectural perspectives and illustrate that the proposed building(s) is architecturally compatible with the surroundings.
- b. Buildings 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 dwellings.
- c. No building shall exceed six (6) dwelling units.
- d. If development is an adaptive re-use of single-family dwelling converted to multi-family, the required parking area shall be located in rear or side yard.
- e. Development shall comply with the Subdivision and Land Development regulations.

**L. Dwelling, Multi-Family (55+):**

- 1. Permitted by special exception in the Lakefront District for the expressed purpose of meeting the community needs of affordable housing for persons age 55 or over by meeting the following standards:
  - a. The developer will certify that all residents will be age 55 and over.
  - b. Minimum lot size shall be five (5) acres.
  - c. Maximum density of development shall be sixteen (16) units per acre.
  - d. Development shall comply with the Subdivision and Land Development regulations.
  - e. No such multiple family dwelling shall be located within 50 feet of an occupied single family dwelling.

**M. Dwelling, Townhome:**

- 1. Permitted by special exception in the Lakefront District and shall meet the following standards:
  - a. The minimum lot size shall be five (5) acres.
  - b. The maximum density of development shall be four (4) dwelling units per acre.
  - c. No building shall exceed four (4) dwelling units.
  - d. Developer shall present a sketch plan that includes elevations or architectural perspectives and location of parking area.
  - e. Development shall comply with the Subdivision and Land Development regulations.

**N. Eating and Drinking Establishment (5,000 sq.ft. or less):**

- 1. All regulations from Eating and Drinking Establishment (greater than 5,000 sq.ft.) shall apply with the exception of:
  - a. All drive-through lanes shall have the capacity to stack at least three (3) cars

waiting for service.

O. **Eating and Drinking Establishment (Greater than 5,000 sq.ft.):**

1. Drive-through facilities are permitted provided:
  - a. 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.
  - b. A solid wall of at least twenty-four (24) inches in height shall be placed along all parking and drive-through lanes that abut a sidewalk.
  - c. Under no circumstances shall any public street serve as a drive-through lane.
  - d. All drive-through lanes shall have the capacity to stack at least six (6) cars waiting for service.
2. New commercial buildings shall not contain more than 20,000 sq.ft., (above grade) and those with more than 15,000 sq.ft. of floor space (above grade) shall be of two-story construction.

P. **Emergency Response Facility:**

1. Fire Station:
  - a. Shall have a minimum of 80,000 sq.ft. and a minimum of 200 ft. lot width.
  - b. Buildings shall be compatible with both design and function with the general character of the area in which the site is located.
  - c. A detailed site plan shall be prepared showing the location of the buildings, parking area, driveways, lighting, sign location, and building elevations.
  - d. Sufficient off-street parking shall be provided to accommodate fundraising and social activities (including sufficient space for workers and attendees for the events) which may be held within the building. The activities may include but are not limited to:
    - 1) Fundraising events – bingo games, carnivals, dinners, etc.
    - 2) Social activities – wedding receptions, banquets, private events, etc.

Q. **Energy Facility System, commercial:**

1. Principle Solar Energy System and Wind Energy Conversion System Facilities are permitted as a conditional use in the Industrial, Ag and PU zoning districts in accordance with the following requirements and conditions:
  - a. Applicant, Facility Owner, and/or Operator shall be required to submit a project narrative describing the overview of the project; project location, approximate generating capacity, the number of solar panel or wind turbines and their locations, representative types and heights of facilities and/or wind turbines to be constructed, including their generating capacity, dimensions, and respective manufacturers, description of any ancillary facilities to the energy system.
  - b. A Conceptual and/or Sketch Plan shall be submitted that includes identifying

properties on which the Energy Facility will be located and adjacent properties, property lines, setback lines, access road and turnout locations, locations of substation and cabling and/or transmission lines and location and descriptions of any appurtenant structures, equipment, and/or supplies.

- c. All on-site utility transmission lines and plumbing shall be placed underground.
- d. Provide the township written confirmation that the public utility company to which the energy facility will be connected has been informed of the customer's intent to install a grid-connection system.
- e. If the Principle Solar Energy System and/or Wind Energy Conversion System Facilities are located on property that is not owned by the applicant/facility owner/operator, a lease agreement is required upon submission of conditional use application for the duration of the Energy Facility operations.
- f. All necessary leases, easements, or other agreements between the Energy Facility developer and property owner(s) must be recorded at the Erie County Recorder of Deeds and in place prior to commencing construction of the Energy Facility. A recorded copy is required to be submitted to the Township.
- g. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the township to ensure compliance with this Ordinance, and such permits as are required by applicable state or federal law, rule or regulations.
- h. The design of the Principle Solar Energy System and Wind Energy Conversion System shall conform to applicable industry standards.
- i. Noise Standards/Shadow Flicker/Glare
  - 1) Audible sound level shall not exceed 60 decibels from any property lines.
  - 2) The facility owner and/or operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
  - 3) Any energy facility and related energy equipment shall be placed in such a way that any glare does not project onto nearby structures or roadways.
- j. Signal Interference
  - 1) The facility owner and/or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone or similar signals, and shall mitigate any harm caused by the energy facility.
- k. Security Requirements
  - 1) A fence shall be installed around the perimeter of the solar farm and shall not exceed 8 ft. in height.
  - 2) Location of fence is to be inside of the greenspace.
  - 3) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures.
  - 4) Electrical cabling - Any medium voltage cable within the boundary of energy facility shall be installed underground, with the exception of the power switchyard or within a substation. All electrical interconnections and distribution

components shall comply with all applicable codes and public utility requirements.

- 5) Energy facility lighting that is within air safety are required by the Federal Aviation Administration to comply with their regulations as well as the township's airport hazard Ordinance no. 91-146.
- 6) A clearly visible warning sign concerning voltage and/or any harmful equipment must be placed at eye level of the equipment and/or structure and must remain legible throughout the operation of facility.
- 7) All access doors to energy facility electrical equipment and/or substations shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons. A knock box is required prior to issuance of certificate of occupancy, per Township's Ordinance 04-185-1.
- 8) For wind turbines - turbines shall not be climbable up to fifteen (15) feet above ground surface.

I. Greenspace Screening

- 1) Evergreen plantings must be installed around the site perimeter. Where natural forest vegetation (having a similar obscuring effect to the evergreen buffer) exists, this can be considered as fully or partially meeting the requirement. Evergreen buffer must be at least 6 ft. in height when planted and grow to a height of 15 ft. within 5 years. One (1) evergreen planting shall be planted every 30 lineal feet.
- 2) The landscaping greenspace shall meet the requirements of the township's Subdivision and Land Development Ordinance.
- 3) An alternative screening can be considered by the Planning Commission and Township Board of Supervisors.

m. Use of Public Roads

- 1) The applicant/facility owner/operator shall identify all state and local public roads to be used within the township to transport equipment and parts for construction, operation or maintenance of energy facility.
- 2) The applicant shall secure a highway occupancy permit through the township engineer and comply with the permit regulations.

n. Decommissioning

- 1) The Energy Facility and all related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same, at its expense.
- 2) The Owner shall be presumed to have discontinued or abandoned the use, if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- 3) Owner is required to notify the township immediately upon cessation or abandonment of operation.

- 4) The owner/developer shall have twelve (12) months in which to dismantle and remove all energy related equipment and components, including, but not limited to, structures, turbines, panels, cabling, electrical components, roads, foundations, and other associated facilities on the property.
  - 5) The owner/operator shall submit Decommissioning Funds in the amount equal to net decommissioning costs as security for compliance. The township engineer will determine the estimated cost of decommissioning of wind turbines and/or any related structures and/or ancillary equipment which will be submitted to the developer in the engineer's review letter.
  - 6) The decommissioning financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct business within the Commonwealth.
  - 7) Such bond, or other security shall provide for, and secure to the public, the decommissioning of wind turbines and/or any related structures and/or ancillary equipment.
  - 8) If the Owner/Developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer. Being consistent with SALDO, Section 306, G.
  - 9) The decommissioning funds shall be submitted to the township prior to the recording of the land development plan.
2. Specific Principle Solar Energy Systems (PSES) Conditions:
- a. Lot Size
    - 1) Shall have a minimum lot size of 25 acres.
  - b. Height Requirements
    - 1) Solar panels shall not exceed 14 feet (includes the rotation of solar panels to maximize exposure to sunlight throughout the day).
    - 2) The power switchyard (structure that is connected to the solar energy facility to electric transmission lines is limited to the height needed to tie into the electric transmission lines).
    - 3) Lightning rods attached to the power switchyard or solar farm related equipment shall not be subject to the height limitations. The height of lightning rods shall be limited to that height necessary to protect the power switchyard and solar farm equipment from lightning.
    - 4) All other building structures shall meet the height requirements of that zoning district in which the facility is located.
  - c. Setback Requirements



- 1) Abuts a residential use or zoning district a minimum of 300 ft. from property line.
  - 2) Abuts a non-residential use a minimum of 200 ft. from property line.
  - 3) Along a road right of way a minimum of 150 ft. from property line.
3. Specific Principal Wind Energy Systems (commercial use) Conditions:
- a. Lot Size
    - 1) Shall have a minimum lot size of 40 acres.
  - b. Height
    - 1) Height limits are subject to applicable Federal Aviation Administration (FAA) regulations regarding objects affecting navigable airspace and comply with Harborcreek Township Airport Hazard Ordinance. The Applicant shall provide acknowledgment from the FAA that such request indicating height of the wind energy system does not adversely affect the airspace of local airports.
  - c. Setbacks
    - 1) Wind turbines shall be setback from all property lines not less than 2.5 times the height of the turbine. The setback is measured from the center of the wind turbine base to the property line.
    - 2) Setbacks on Non-Participating Properties – wind turbines shall be setback from the property line(s) when abutting a non-participating (non-lessee) property owner not less than five (5) times the height of the turbine.
    - 3) Public Roads - wind turbines shall be setback from the nearest public road a distance of not less than 2 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
    - 4) Liability Insurance – there shall be a valid general liability policy that covers bodily injury and property damage with limits of at a minimum of 1 million per occurrence a copy liability insurance must be submitted to the Township prior to issuance of zoning permit, naming Harborcreek Township as additional insured.

R. **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:
  - d. Front setback: 50 feet plus the height of the structure (water towers a minimum of 100 feet plus the height of the structure)
  - e. Side setback: 20 feet
  - f. 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 no 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.

S. **Event Venue:**

1. Hours of Operation shall be 10am – 10pm
2. All appropriate federal, state, and local licenses and permits shall be obtained including but not limited to serving alcoholic beverages and food preparation, if applicable.
3. Events shall be located inside of a building, unless an outdoor event shall be 200' from an occupied dwelling and provide screening around the site perimeter.
4. Maximum occupancy shall be determined by parking requirements.
5. Noise shall not extend beyond the property lines.

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

1. 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.
2. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls.
3. The operator shall have a contact 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.

U. **Fraternity/Sorority:**

1. No fraternity or sorority house shall be located within 200 feet of a single-family dwelling.
2. The sorority or fraternity shall provide evidence that an account with the Township waste hauler has been created.
3. Rear and side yards shall be screened with landscaping and/or fencing from abutting properties.
4. A parking plan with off-street parking for each occupant shall be provided.

V. **Golf Course (private or public):**

1. Golf courses and country clubs shall have a minimum site of twenty (20) acres; driving ranges and putting courses shall have a minimum site of five (5) acres.
2. Clubhouses shall be located at least 100 feet from any property line adjoining property

in a residential zoning district and at least 50 feet from all other property lines.

3. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for golf courses.
4. Outdoor operations shall be discontinued between the hours of 11:00 p.m. and 6:00 a.m.

**W. Group Residence Facility:**

1. The maximum number of residents shall be six (6).
2. 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.
3. 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. Individuals with intellectual disabilities shall be certified by Erie County Office of Menal Heath as being capable of residing in such facility.
4. A license or certification shall be obtained from the Commonwealth of Pennsylvania and/or the County of Erie 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 Township Supervisors that the proposed use satisfies a demonstrated need and will be conducted in a responsible manner without detriment to other properties and uses.
  - a. The sponsoring agency or other sponsor shall file annually with the Zoning Office 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). Such confirmation shall be filed on such form(s) that will be supplied by the Zoning Office. The annual recertification date shall be April 1.
  - b. The Zoning Administrator shall mail to each applicable sponsor each calendar year such form(s) as shall be required to be filed by the sponsor under this Section.
    - 1) Changes in sponsorship or operations 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 Administrator in writing of the nature and details of such change. Any such change shall require submission of a new application for use on conditional use and compliance with all procedures for grant of a conditional use under this Ordinance.
    - 2) Review of annual recertification's and any communications received pursuant to such applications shall be within the proper authority of the Township Board of Supervisors. A facility in compliance with the original grant of use upon conditional use and such conditions as were imposed

thereon shall be entitled to recertification absent a material change in circumstances, use or sponsorship.

5. 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.
  6. 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" as set forth in this Ordinance shall be strictly construed.
    - b. Parking requirements shall be one parking space per each staff on the same shift and two parking spaces reserved for visitors. On street parking is prohibited.
    - c. 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.
    - d. All exterior lighting shall be arranged and aligned to reflect light away from neighboring premises and public rights of way.
    - e. Any other matter necessary to assure compliance with this Ordinance or any other Township Ordinance as in the circumstances apply.
- X. **Home Occupation:** 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.

Y. **Hospital/Clinic:**

1. Shall be generally accessible to the community and the public.
2. Shall not be located adjacent to railroads, playgrounds, airports, or industrial plants.
3. Shall be connected to public water and sewer.
4. Radioactive and other hazards shall be collected and treated in accordance with all applicable codes and laws.
5. A landscaped or fenced buffer shall be provided to screen the hospital/clinic from adjacent properties.

Z. **Hotel/Motel/Motor Inn:**

1. Owner shall provide a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the neighborhood.
2. No portion of the building shall be within 200 ft. of a single-family dwelling.
3. Flashing signs are prohibited.

AA. **Junkyard:**

1. No junk materials, appurtenant structure, or other enclosure shall be stored or placed within fifty (50) 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.
2. 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.
3. 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.
4. No burning is permitted.
5. 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.

BB. **Kennel:**

1. The applicant shall present evidence that the proposed facility will comply with all

applicable laws and regulations concerning the housing of animals, including but not limited to the Dog Law, 3 P.S. § 459-101 et seq. and the regulations of the Pennsylvania Department of Agriculture.

2. The exterior walls of the structure that house the animals shall sufficiently be soundproofed to prevent excess noise from leaving the structure. Specifications of the soundproofing materials shall be submitted at the time of application for a conditional use.
3. All outdoor running and play areas shall be enclosed with a minimum six-foot-tall fence to prevent the escape of any animals. The fencing details should be submitted with the conditional use application. The fence shall not be permitted to be a chain-link-type fence unless evergreen plantings equal in height to the fence are proposed to fully screen the fence from view from neighboring properties. All outdoor running and play areas shall be set back at least 50 feet from neighboring properties.
4. No animal shall be permitted to be permanently kept outside of an enclosed structure or building. The enclosed structure or building that houses the animals shall be a minimum of 50 feet from neighboring properties.
5. The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal waste shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.

CC. **Landfill:**

1. The owner/operator shall provide proof to the Township that all local, state, and federal regulations regarding operating a landfill have been met, and all relevant permits have been secured.

DD. **Laundromat:**

1. Shall be connected to public water and sewer.
2. All activities must be conducted within a completely enclosed building.
3. Any exhaust ventilation equipment shall be directed away from any adjoining residentially zoned property.

EE. **Livestock as pets (including hens):**

1. For R-1 District only:
  - 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.
  - b. Manure is not stored within 150 feet of any property line.
  - c. A pasture is completely enclosed with a fence at least four (4) feet in height.
2. For R-1, R-2, R-3, LF, and V Districts: The keeping of hens is permitted with the following requirements:
  - a. The lot contains a minimum of 2 acres.
  - b. The limit of hens is set at 10 hens per premise.

- c. Chickens must be secure on property.
- d. Structures such as hen coup must be a minimum of 75 feet from rear and front property line, and 50 feet from side property lines or 50 feet from occupied structure with a minimum of 25 feet from side property line, whichever is greater.

FF. **Marina (Commercial):**

1. A marina may include facilities for storing, fueling, and servicing recreational boats, and may also include eating, sleeping, and retail (boat supplies) facilities for owners, guests, and crews.
2. No portion of the marina facility, or boat storage area, 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 (6) feet in height.

GG. **Medical Marijuana Dispensary:**

1. Operators must present an official license from the Pennsylvania Department of Health to the Township and follow all applicable regulations.

HH. **Medical Marijuana Growing/Processing:**

1. A marijuana or hemp grower/processor may grow marijuana or hemp only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
2. The maximum floor area of a marijuana or hemp processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana or hemp seeds, related finished product, and marijuana or hemp related materials used in production or for required laboratory testing.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where marijuana or hemp growing, processing, or testing occurs.
4. Marijuana or hemp remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
5. The grower/processor shall provide only wholesale products to other marijuana or hemp facilities. Retail sales and dispensing of marijuana or hemp and related products is prohibited at marijuana or hemp grower/processor facilities.
6. Grower/processors may not be located within 1,000 feet of the property line of a residential use, a public park, a public or private school, or day care facility.
7. Buffer planting is required where a marijuana or hemp grower/processor adjoins a residential use or district.

II. **Nursing, Convalescent, Assisted Living, and Retirement Home:**

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. 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 surrounding neighbors.
4. Screening, buffer, and/or fence shall be located around site perimeter to avoid vehicle headlights onto abutting property owners' parcels.

JJ. **Professional Office/Service:**

1. All activities must be conducted solely inside of a building.
2. The minimum lot size shall be 20,000 square feet and the minimum lot width shall be 100 feet.
3. There shall be only one principal structure per lot and the maximum square footage of the principal building shall be 5,000 square feet.
4. 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 as per the Township's Subdivision and Land Development Ordinance.
5. The architecture and function shall be compatible with the general residential character of the area in which it is to be located.
6. Off-street parking areas shall be located to the side or rear of the principal structure and attractively landscaped and suitably buffered and/or screened from adjacent residential properties.

KK. **Recreation Facility (outdoor commercial):**

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.
7. Stadiums and Sports Fields:
  - a. Shall present a means to ensure that the normal flow of traffic to events will avoid



the utilization of local streets and predominantly single-family residential districts.

- b. Shall not be located within 200 feet of an R-1 or R-2 District.
- c. Shall present a plan for management of noise through screening and buffering.

LL. **Research Laboratories:**

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.
3. If a laboratory is located on the shore of Lake Erie, the developer shall provide the Township with information about how it will or will not affect the environment, specifically Lake Erie.

MM. **Retail, 5,000 sq.ft and smaller.:**

1. Must be located upon a public road or street.
2. No Drive through facilities shall be permitted.
3. The Township Board of Supervisors may limit the hours of operation and shall not be open for business 24 hours per day.
4. A sketch plan shall be presented to the Township that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the neighborhood.

NN. **Sand & Gravel Pit/Mineral Extraction Facility:**

1. General provisions:
  - a. Prior to the issuance of a zoning permit, the owner/operator of a mining operation shall file with the Zoning Administrator 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 b and c, 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.

OO. **Short-Term Rental:**

- 1. This use pertains only to Short-Term Rentals in existence in the Lakefront District prior to August 2, 2023.
- 2. No Short-Term Rental shall be operated without a Short-Term Rental License. Short-Term Rental License applications shall require all of the following information:
  - a. Name, address, telephone number and email address of the property owner(s). If the owner(s) does/do not have a managing agency, agent, or local contact person, then the owner shall provide a 24-hour telephone number.
  - b. The name, address, and 24-hour telephone number of the managing agency, agent or contact person.
  - c. Proof of liability insurance.
  - d. Floor plan for the Short-Term Rental, including habitable floor space and total number of bedrooms.
  - e. If the building is a two-family or multi-unit structure, the number of dwelling units and the number of dwelling units being used as Short-Term Rentals.
  - f. A parking plan showing the location and number of existing on-site parking spaces. If a parking expansion is being requested, it shall not exceed lot coverage and shall be noted on plan.
  - g. If not on a public sewer system, a written approval from Erie County Department of Health stating existing sewage disposal system is in good working order.
  - h. If property has well water, written letter from Department of Health stating water is safe for drinking.
  - i. Copies of current Erie County Excise tax certificate and current Pennsylvania sales tax license.

- j. Signatures of both the owner(s) and the local managing agent or contact person.
  - k. Copy of the current recorded Deed for the property establishing ownership.
3. A Short-Term Rental License shall be issued only to the owner(s) of the Short-Term Rental property.
- a. A separate Short-Term Rental License is required for each dwelling unit; for 2-family or multi-family dwellings, a separate license shall be required for each dwelling unit being rented as a short-term rental.
  - b. A Short-Term Rental License is effective for a period of one (1) year, or until any of the conditions of the Short-Term Rental which are governed by this Chapter are amended, whichever shall first occur. A Short-Term Rental License must be renewed annually by March 31st and also when any of the conditions of the Short-Term Rental, which are governed by this Ordinance are amended.
  - c. The owner(s), by making application for a Short-Term Rental License and/or accepting issuance of a Short-Term Rental License, grants permission for any and all inspections authorized by this Ordinance.
  - d. The Township will prescribe forms and procedures for the processing of license applications under this Ordinance.
  - e. In the event that a Short-Term Rental owner(s) receives two (2) violation notices (relating to the specific criteria or regulations under this Chapter), the Zoning Administrator may terminate and revoke an existing license or deny a new license in accordance with the terms of this Ordinance, unless the Owner appeals the violation to Zoning Hearing Board and is found "not guilty".
  - f. Application or renewal of application and inspection fees shall be submitted at time of submittal. There are no refunds.
4. The following standards for Short-Term Rental shall be enforced:
- a. Overnight occupancy of a Short-Term Rental shall be limited to the Section 1803 Boarders provision. A maximum of two (2) unrelated persons. The owners of the Short-Term Rental have an affirmative duty to ascertain whether the overnight guests staying at the short-term rental are related, by blood, marriage, or adoption who live together as a family; all such related persons are considered as members of one family, with the exception of one additional unrelated overnight guest; and that the owners are in compliance with the "Boarders" provision referenced herein. If any questions arise regarding whether the overnight guests staying at the short-term rental are related, or violations of this provision are alleged, the duty to prove that the guests were related shall be upon the owners of the short-term rental, not the Township.
  - b. The maximum number of bedrooms permitted for a short-term rental is five (5).
  - c. Outdoor parking for overnight and day guests shall be limited to available designated parking areas on the Short-Term Rental property. In no event shall parking for Short-Term Rental guests include spaces in any private, community or public street right-of-way or on property's lawn.
  - d. Parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in length with adequate aisle space to facilitate access and use. Any expansion

of parking areas for a short-term rental requires prior Township approval. Parking areas shall be maintained in a mud-free condition with paving, stone or similar material which may require a stormwater management plan and shall count as part of the maximum lot coverage limits set forth in the Harborcreek Township Zoning Ordinance. Notwithstanding the foregoing, a short-term rental plan shall provide one (1) parking space for two (2) night guests and one (1) parking space for every two (2) day guests.

- e. Overnight occupants and day guests shall not park commercial equipment includes trucks (greater than one ton capacity) tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving, or cargo-moving vehicles be stored or parked overnight.
- f. Neither Short-Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition without good reason.
- g. The owner shall use best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Harborcreek Township Code of Ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short Term Rentals and responding when notified that occupants are violating laws, Ordinances, or regulations regarding their occupancy.
- h. The owner shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of the Harborcreek Township Ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
- i. Overnight occupancy of recreational vehicles, camper trailer and tents at the property where the short-term rental is located is prohibited. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- j. All Short-Term Rental shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
  - 1) The name of the managing agency, agent, property manager, local contact or owner of the unit and a telephone number at which that party can be reached on a 24-hour per day basis.
  - 2) The 911 address of the property.
  - 3) The maximum number of day guests permitted at any one time and the maximum number of occupants permitted to stay in the Short-Term Rental. The notice must include the following information: Guests staying overnight at this premise must be related, by blood, marriage or adoption, with the exception that "one additional boarder" may be unrelated.
  - 4) The maximum number of all vehicles allowed to be parked on the property

- and the requirement that all guest parking must be on the property and not in or along any private, community or public street right-of-way, or property's lawn.
- 5) The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except in water-tight metal or plastic containers from 6:00 p.m. of the day prior to trash pick-up to 6:00 p.m. on the day designated for trash pick-up.
  - 6) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Harborcreek Township Ordinances, including parking and occupancy limits.
  - 7) Notification that Short-Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Zoning Administrator upon request.
- k. All Short-Term Rental shall be inspected by Zoning Administrator and Building Inspector as part of the renters' initial application requirement and must be equipped with the following:
- 1) Smoke detectors in each bedroom.
  - 2) Smoke detectors outside each bedroom in common hallways.
  - 3) Smoke detectors on each floor.
  - 4) All smoke detectors must be hard wired.
  - 5) Must have GFI outlets for outlets located within six feet of water sources.
  - 6) Aluminum or metal exhaust from clothes dryer.
  - 7) Carbon Monoxide detectors, of the unit has any open flame (oil or gas), a furnace, gas or wood fireplace, or wood-burning stove.
  - 8) Carbon Monoxide detector if garage is attached.
  - 9) Fire Extinguisher in kitchen and one fire extinguisher on each floor and one in each bedroom.
  - 10) Stairs (indoor and outdoor) in good condition.
  - 11) Covers on all electrical outlets.
  - 12) All bedrooms shall have a direct means of ingress and egress.
  - 13) Knox Box, or if a keyless entry is being used, the master code shall be given to the Zoning Administrator.
  - 14) Meets all ADA requirements.
  - 15) Any other occupancy requirements, which may be added by Ordinance revisions/amendment from time to time.
- l. All short-term rentals shall have a fully functional sewage disposal system at all times and complies with PA DEP regulations. If a sewage disposal system malfunction occurs the use of the dwelling as a short-term rental shall discontinue until the malfunction is corrected in accordance with the Township and PA

Department of Environmental Protection.

- m. There shall be no visible signage in any public or private right-of-way or on any exterior structure on property.

PP. **Small Wind Turbine:**

- 1. Permitted in all zoning districts provided the following are met:
  - a. Must obtain a zoning permit with the following documentation:
    - 1) Construction plans prepared by a registered engineer showing the location of the proposed tower and related equipment. The type of materials used to construct the tower or pole on which the wind conversion system will be mounted; all manufacturer's data relative to the complete operational characteristics of the wind turbine including but not limited to, safety and performance standards and/or characteristics and, noise characteristics, etc.
    - 2) All 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.
    - 3) All 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 (12) feet above the ground level.
    - 4) Wind Turbine operations shall not cause interference to television or radio reception on neighboring properties. The Township reserves the right to suspend and/or rescind the zoning permit if such interference becomes evident and is a nuisance to neighboring property owners.
    - 5) Wind Turbine 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 zoning permit if, in its opinion, the noise characteristics and/or levels generated by a particular turbine or related equipment unreasonably loud and pose an undesirable nuisance to neighboring properties. Noise beyond that of the standard performance sound.
    - 6) Wind Turbine 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 zoning permit until the safety hazard(s) have been corrected to the satisfaction of the Township.
    - 7) Shall secure a building permit and comply with all PA UCC code.

QQ. **Sportsman's Club:**

- 1. A rifle or pistol range, where the use and discharge of firearms shall be allowed in a controlled environment, shall be subject to the following requirements:
  - a. The backstop of the range shall be a hill, clear of all objects from which bullets might ricochet and of such size and character that a miss of the target by the rifle or pistol used by at least 15 feet could not penetrate the hill backstop.

- b. No part of the range shall be within 450 feet of a dwelling.
- c. No part of the range shall be within 150 feet of a public highway.
- d. No more than 10 shooters shall be permitted at one time, regardless of the number of targets.

RR. **Stables & Riding Academies:**

1. No more than ten (10) equine animals shall be kept with the exception that one (1) additional equine animal may be kept for each additional acre of land over five (5) acres.
2. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and which complies with the following:
  - a. Shall be located a minimum of 300 feet from adjoining lot lines.
  - b. Shall be located a minimum of 75 feet from any public or private road right-of-way.
  - c. Shall have a minimum of 200 sq.ft. of gross floor area for each equine animal.
3. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) feet high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of the use.
4. Evidence must be provided to the Township indicating the adequate storage and disposal of animal waste so as not to create a public health hazard or nuisance.
5. Parking areas shall be set back a minimum of 100 feet from adjoining lot lines.

SS. **Treatment Center/Pre-Release Detention Facility:**

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, childcare 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. 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).
9. There shall be no direct glare, whether from flood lights or high-temperature processors,

so as to be visible from adjoining zoning districts.

10. Commercial outdoor signs shall be prohibited. Identification and directional signs shall be permitted per Article XX.
11. Any greenspace or buffer requirements in the Township's Subdivision and Land Development Ordinance shall be followed.

**TT. Veterinary Clinic/Hospital:**

1. The minimum lot area required for an animal hospital shall be 20,000 square feet, unless the animal hospital is located within a planned shopping center.
2. Outdoor kennels or runs shall not be permitted.
3. The overnight boarding of animals, other than for medical supervision, shall be permitted if the animals are housed overnight within a completely enclosed building.
4. Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this chapter and shall be subject to the enforcement Zoning Administrator Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Township Board of Supervisors or Planning Commission shall be complied with by the landowner and/or developer.

**UU. Wireless Communications Facility:**

1. The following regulations shall apply to all Non-Tower Wireless Communications Facility located within the Township:
  - a. Permitted in all zoning districts subject to regulations. Non-tower WCFs are permitted in all zoning districts subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.
  - b. Essential Communications Tower/Antenna. The essential communications tower/antenna is permitted in all zoning districts.
  - c. Prohibited on certain structures. Commercial non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.
  - d. Non-Conforming Wireless Support Structures. Non-tower WCF shall be permitted to co-locate upon non-conforming tower-based WCF and other non-conforming structures. Co-location of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is non-conforming as to use within a zoning district.
  - e. Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.



- f. Wind. All non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E, as amended).
- g. Aviation Safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety and Harborcreek Township Airport Hazard Ordinance.
- h. Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- i. Radio-frequency emissions. No non-tower WCF may, by itself, or in conjunction with other WCFs, generate radio frequency emission in excess of the standards and regulations of the FCC, including, but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- j. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs, or portions of WCFs, shall be removed as follows:
  - 1) All abandoned or unused WCFs and accessory facilities shall be removed within two months of the cessation of operations at the site unless a time extension is approved by the Township.
  - 2) If the WCF or accessory facility is not removed within two months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- k. Insurance. Each person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF, naming the owner of the real estate where the facility is located as an additional insured, and naming Harborcreek Township as an additional insured.
- l. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees, and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with, any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, repair, or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, repair or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgements, medical bills, verdicts, settlements or other payments for injuries or damages, reasonable attorney fees, reasonable expert fees, court costs, and all other costs related to the litigation or proceedings.

- m. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
  - 1) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - 2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - 3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
  
- 2. The following shall apply to all collocated Non-Tower WCF that **do not** Substantially Change the physical dimensions of the wireless support structure to which they are attached, and/or fall under the Pennsylvania Wireless Broadband Collocation Act:
  - a. Permit Required. Any applicant proposing the modification of an existing Tower-Based WCF shall obtain a zoning permit from the township. In order to be considered for such permit, the WCF applicant must submit a zoning permit application to the township in accordance with applicable permit policies and procedures.
  - b. Related Equipment. Ground-mounted Related Equipment shall be subject to the setback requirements of the applicable zoning district for an accessory structure.
  - c. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the township, the township shall notify the WCF applicant in writing of any information that may be required to complete such application. Within (60) calendar days of receipt of a complete application, the township shall make its final decision on whether to approve the application and shall advise the WCF applicant in writing of such decision. If additional information was requested by the township to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the township's (60) day review period.
  - d. Permit Fees. The Township Zoning Permit Fee as adopted by Township Board of Supervisors.
  
- 3. The following regulations shall apply to all collocated Non-Tower WCS that substantially change the wireless support structure to which they are attached or fall under the Pennsylvania Wireless Broadband Collocation Act:
  - a. Prohibited on certain structures. Commercial non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.
  - b. Permit Required. Any applicant proposing any new construction of a Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a zoning permit from the township. The zoning permit application shall demonstrate that the proposed facility complies with all applicable provisions in this Ordinance.
  - c. Historical Buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance.

- d. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- e. Permit Fees. The Township Zoning Permit Fee as adopted by Township Board of Supervisors.
- f. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCFs, if possible, subject to the following conditions:
  - 1) Such WCF does not exceed the lesser of a total maximum height of (20) twenty feet or the maximum height permitted in the underlying zoning district. If the planned Non-Tower WCF exceeds this height specification, the WCF applicant shall obtain a variance.
  - 2) In accordance with industry standards, all Non-Tower WCF applicants must submit documentation to the township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - 3) If the WCF applicant proposes to locate the Related Equipment in a separate building, the building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
  - 4) A security fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height and shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- g. Design Regulations.
  - 1) Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township Zoning Administrator.
  - 2) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- h. Removal, Replacement, Modification.
  - 1) The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
  - 2) Any material modification to a wireless telecommunication facility shall require notice to the township, and a supplemental permit approval may be required if the township determines that the modification is material.
- i. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the state or

federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

- j. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.

4. Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

In addition to the Non-Tower WCF regulations the following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-Of-Way:

- a. Co-location/Location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant shall locate its Non-Tower WCF on existing poles that do not already act as Support Structures with the township's approval.
- b. Design Requirements:
  - 1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - 2) Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- c. Time, Place, and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- d. Equipment Location. Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - 1) In no case shall ground-mounted equipment, walls, or landscaping be located in the ROW.
  - 2) Any graffiti on the facility or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) days of notice of the existence of the graffiti.
  - 3) Any proposed underground vault related to Non-Tower WCFs shall be reviewed and approved by the Roads Superintendent. The Township may hire any consultant(s) and/or expert necessary to assist the Township in reviewing such proposed underground vault.
- e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or

such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- 1) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
- 2) The operations of the Township or other governmental entity in the Right-of-Way;
- 3) Vacation of a street or road or the release of a utility easement; or
- 4) An Emergency as determined by the Township.

f. Repair, Replacement and/or Removal of Facilities and Related Equipment:

- 1) The owner of any WCF or Related Equipment located within the ROW in the township shall ensure that any damaged WCF or Related Equipment is repaired, restored, and/or replaced within (60) days after damage or casualty to the same is sustained.
- 2) The owner of any WCF or Related Equipment located within the ROW in the township shall give notice to the township within (10) days after such WCF and/or Related Equipment ceased being used or operational, and shall remove the same from the ROW at owner's sole expense within (60) days after WCF and/or Related Equipment ceased being used or operational.

g. Inspections. The township may inspect WCFs within a township ROW without any prior notice given.

h. A propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF applicant, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.

i. Documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety, as well as all applicable provisions in this section.

j. Engineer Inspection. A professional structural engineer, licensed in the Commonwealth of Pennsylvania ("Structural Engineer") shall provide to the township a written certification and of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the permitting process.

k. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.

l. Permit Required. The applicant shall obtain a Road Occupancy Permit.

5. General Requirements for all Tower-Based Wireless Communications Facilities.

- a. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- b. Notice. WCF Applicant shall submit a Land Development Application demonstrating that the proposed facility complies with all applicable provisions in the township zoning Ordinance and all supporting documents, including but not limited to Stormwater Management Plan.
- c. Co-Location and Siting. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed Tower-based WCF cannot be accommodated on an existing tower. The applicant shall demonstrate that it contacted the owner of an existing tower within 2,500 feet of the proposed tower and sought permission to install an Antenna and was denied for the following reasons:
  - 1) The proposed antenna and related equipment would exceed the structural capacity of the tower, and its reinforcement cannot be accomplished at a reasonable and/or market cost.
  - 2) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing tower and the interference cannot be prevented at a reasonable cost.
  - 3) Such existing towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - 4) A commercially reasonable agreement could not be reached with the owner of such tower.
- d. Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on Tower-based WCFs where technically and economically feasible. The owner of a Tower-based WCF shall not install any additional antennas without obtaining a zoning permit.
- e. Permit Required for Modifications. Any applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a zoning permit from the Township Zoning Office. Non-routine modifications shall be prohibited without a zoning permit.
- f. Gap in Coverage. A WCF applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the township's decision on an application for approval of tower-based WCF.
- g. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of

wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E, as amended).

- h. Height. Any Tower-Based WCF, including tower, antennas, and related equipment shall not exceed a height of 200 feet. The equipment building shall be subject to the height requirements of the applicable zoning district for an accessory structure.
- i. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- j. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
  - 1) The Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - 2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - 3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- k. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- l. Historical Buildings. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list by the Township.
- m. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. No other signage shall be mounted on the WCF, except as may be required or approved by the FAA, FCC, or other governmental entity.
- n. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- o. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Industrial Performance Standards in Section 1404 of this Ordinance.
- p. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety and the Township Airport Hazard Ordinance.
- q. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential

violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

- r. Timing of Approval. WCF Applicant shall submit a Land Development Application and all supporting documents, including but not limited to Stormwater Management Plan, applicable to township subdivision and land development procedures.
- s. Non-conforming Uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
- t. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - 1) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the suite unless a time extension is approved by the Township.
  - 2) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - 3) Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within (6) six months of the time of cessation of operations. The Township must approval all replacements of portions of a Tower-Based WCF previously removed.
- u. Permit Fees. WCF Applicant, once approved, through the Land Development Application process, shall submit a zoning permit application.
- v. FCC License. Each person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- w. Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
- x. Insurance. Each person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF, naming the owner of the real estate where the facility is located as an additional insured, and naming Harborcreek Township as an additional insured.
- y. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees, and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from,



caused by or connected with, any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, repair, or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, repair or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgements, medical bills, verdicts, settlements or other payments for injuries or damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs related to the litigation or proceedings.

- z. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional engineer, licensed in the Commonwealth of Pennsylvania.
  - aa. Inspections. The Tower-Based WCF 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 the tower. 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 Township Board of Supervisors by resolution.
6. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Right-Of Way:
- a. Permitted in Industrial and B-2 Business Interchange Zoning Districts: Any Tower-Based WCF being proposing as a new tower, structure, or any support structure is only permitted in the Industrial and B-2 Business Interchange Zoning Districts.
  - b. Essential Communications Tower/Antenna is permitted in all zoning districts: This includes any new tower, structure, or any support structure.
  - c. Separation: Any new Tower-Based WCF must be a minimum of 2,500 feet from an existing tower or approved tower location (permit issued, however, no constructed).
  - d. Setbacks Requirements: Tower-Based WCF shall comply with the following setbacks:
    - 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.
  - e. Design Regulations:
    - 1) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
    - 2) To the extent any height extensions to an existing Tower-Based WCF shall require prior approval of the Township.

- 3) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antenna and comparable antenna for future users.
- f. Surrounding Environs:
- 1) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
  - 2) The owner of any Tower-Based WCF shall be responsible for maintaining the parcel on which the WCF is located, including the cutting and clearing of any vegetation, snow removal and maintenance of the access driveway surface.
- g. Fences: All Tower-Based WCF, including tower, equipment building, and any other related equipment shall have a security fence surrounding such structures, at a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Gates shall be locked at all times except during such times as the site is entered by authorized personnel.
- h. Landscaping: Landscaping shall be required to screen as much of the ground-level equipment as possible, in general to blend in with the existing surroundings. 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.
- i. Accessory/Related Equipment:
- 1) Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described in the definition of Stealth Technologies.
  - 2) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated.
- j. Access: Access shall be provided to the Tower-Based WCF, including equipment building and any related supporting equipment by means of a public street or easement. The easement shall be a minimum of twenty (20) feet in width and shall be improved to provide year-round access.
- k. Lighting: No signs or lights shall be mounted on a tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- l. Lease Agreement: Copy of any lease agreement between the owner/operator of the WCF and the owner of the real estate, if different, shall be provided to the Township at time of Land Development submittal.
- m. 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.

- n. FCC license: The owner or operator of communications antennas shall be licensed by the Federal Communication Commission to operate such antenna.
- o. Airport zoning regulations: The owner shall comply with the Harborcreek Township Airport Hazard Ordinance.
- p. 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 Township Board of Supervisors by resolution.

**ARTICLE XVIII  
GENERAL REGULATIONS**

**SECTION 1801 ACCESSORY BUILDINGS**

- A. 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.
- B. The number of accessory buildings such as sheds, carports, pergola, gazebo, and picnic shelter/pavilion with less than 224 sq.ft. (14x16) of floor shall be limited to one (1) such structure per premise without a zoning permit. The placement of accessory structures of less than 224 sq. ft. is a minimum of 5 feet from rear and side property line and shall not be placed in an easement. Second accessory structures (any size) and larger than 224 sq.ft. requires a zoning permit and placement of the structure must be the setback requirements within the district in which it is placed.

**SECTION 1802 ACCESSORY STRUCTURES ASSOCIATED WITH COMMERCIAL DEVELOPMENTS**

- 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 Township 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 Township Board of Supervisors. The Zoning Administrator 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 Township 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.

**SECTION 1803 BOARDERS**

- A. Ag, R-1, R-2, R-3, V and LF Districts:
1. Single-Family Dwelling (owner-occupied): May have one (1) boarder who need not be related by blood, adoption, or marriage.
  2. Single-Family Dwelling (non-owner occupied): May have up to two (2) boarders who need not be related by blood, adoption, or marriage.

- B. PU and R-4 Districts:
1. Single-Family Dwelling (owner occupied): May have up to two (2) boarders who need not be related by blood or marriage.
  2. Single-Family Dwelling (non-owner occupied): May have up to four (4) boarders who need not be related by blood or marriage.

#### **SECTION 1804 FENCES AND LANDSCAPING**

- A. Fences, hedges or other plantings, structures or retaining walls at street corners shall not be located so as to interfere with the intersection visibility on corner lots. The height of such objects is restricted to three feet within the intersection above the centerline of the adjacent road surface.
- B. Fences may be erected to a height panel not exceeding six (6) feet, except for junkyards, essential service structures, and outdoor display merchandise where the height shall not exceed eight (8) feet.
- C. Retaining walls and fences may be placed between adjacent property on the property line upon submitting a properly executed maintenance easement agreement between the property owners to the Township Zoning Administrator for approval.

#### **SECTION 1805 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 1806 INTERSECTION VISIBILITY**

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 1807 NUMBER OF DWELLINGS PER LOT**

- 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 with the exception of a Planned Residential Development.
- 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 1808 PATIOS**

- A. 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 zoning and building permits.

**SECTION 1809 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.
    - a. The temporary parking and occupancy period shall not exceed fourteen (14) days per calendar year.
    - b. 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.
  - 1. Small Recreational Vehicle 12' in height or less can be stored in a driveway w/ample parking, on the side of the house/garage or in the back yard 5' from the side and back property line.
  - 2. Major Recreational Vehicle 12' in height or more can be stored on the side of the house/garage or in the back yard 10' from the side and back property line.
  - 3. No Recreational Vehicle may be parked or stored in the right-of-way.
- D. Poor Condition: 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 1810 RESTRICTIONS AND EXEMPTIONS**

- A. Slopes: 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.
- B. No single-family dwelling, as defined in Article III, shall be permitted in any zone having a floor area of less than 1,200 sq.ft., provided that mobile homes or house trailers having less than 1,200 sq.ft. shall be permitted if situated in mobile home parks as provided for in this chapter.
- C. Minimum floor area:
  - 1. For two-family and multifamily dwellings: 650 square feet per dwelling unit; and
  - 2. For one-bedroom efficiency apartments (except for housing projects explicitly meeting the definition of a "senior citizen dwelling unit" in this chapter, see "dwelling type"): 500 square feet.

**SECTION 1811 SETBACK EXEMPTIONS**

- A. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line or existing street right-of-way. Regulations of each district prohibit principal and accessory structures within the specified minimum building setback.
  - 1. Irregular Lots:
    - a. Flag lots shall be measured from the interior property line that is parallel to the street. The "stem" or access to lot, in terms of setbacks is not considered.
    - b. Cul-de-sac lots having a center-line radius of two hundred (200) feet or less, the minimum width shall be measured on the building line.
    - c. A triangular lot with no rear yard shall be measured at the point where both side property lines meet. Property lines that abut a street shall meet the front yard setback in the zoning district where lot is located.
  - 2. Corner Lots:
    - a. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
  - 3. Private or Paper Streets:
    - a. For a building setback measured from a private or paper street, the setback shall be measured from the existing street right-of-way (property line).
- B. Exemptions:
  - 1. The following may encroach into the yard requirement:
    - a. Accessory buildings or structures less than 224 sq.ft.
    - b. Steps
    - c. Stoops or open stairs, not exceeding 24 sq. ft.

- d. ADA access ramps and landings necessary to provide entrance into a building.
- e. Exterior stairways, fire escapes, or other means of egress, ground mounted doors for basement access, window awnings, chase for heating pipes, or other similar structures that do not include space usable by persons.
- f. Sills, cornices, eaves or other similar architecture features, gutters, bay windows, chimneys or similar structures may extend or project into required yard no more than 18 inches.
- g. Eaves
- h. Patios constructed at grade. Roof structures or walls shall not extend into any required yard setback; provided, that at no time, may a roof be constructed over or any walls upon or around any portion of patio.
- i. Fences shall be at least one (1) foot from any property line.

**SECTION 1812 SPECIAL CONSERVATION PROVISIONS**

- A. Certain portions of zoning districts 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 Office will provide guidance to specific development regulations that affect these areas and the specific locations of the particular conservation areas.

**SECTION 1813 STORAGE**

- A. Commercial Equipment:
  - 1. Residential Districts: Commercial equipment including trucks (greater than one ton capacity); tandems; tractor-trailers; school buses; attached cargo moving vehicles/trailers; tractors or other commercial construction, earth moving, or cargo-moving vehicles, and/or equipment shall not be stored or parked overnight in any Residential District. This does not apply to regular work vehicles, such as trucks and vans, which are used on a regular basis. Personal cargo-moving vehicles/trailers shall be parked in a driveway and cannot be parked on the side of the road or in the right-of-way.
  - 2. 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 be parked overnight or stored on any public road.
  - 3. Farm tractors and other related farm equipment are excluded from the above requirements.
- B. Junk:
  - 1. 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/Mixed Use 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 1814 STRUCTURE ON SMALL LOT OF RECORD**

- A. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning



Administrator 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. Structures shall meet the standard setbacks within the zoning district where it is located.

#### **SECTION 1815 SWIMMING POOLS (above and in-ground)**

Private swimming pools, and temporary swimming pools, including above ground and in-ground pools, shall comply with the following conditions and requirements:

- A. Temporary swimming pools are defined as a swimming pool that is taken down annually.
- B. Temporary and private swimming pools, including spa pools and hot tubs, shall be only in the rear yard and side yard property on which it is an accessory use.
- C. Temporary swimming pools do not require a zoning permit, however, building permits may be required per the Uniform Construction Code.
- D. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located.
- E. Swimming pools, spa pools, and hot tubs shall be a minimum of ten feet from rear and side property lines.
- F. The decking around the pool shall be a minimum of 35 feet from the rear property line and ten (10) feet from the side property lines.

#### **SECTION 1816 TEMPORARY USES**

Only the following uses are permitted temporarily (a period of not more than 2 consecutive months per calendar year or an open active zoning and/or building permit).

- 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.
- D. Storage Pods and Storage Containers (see definition for structure (temporary)).
- E. Carports and Soft-Sided Structures (see definition for structure (temporary)).
- F. Dumpsters – shall not park dumpster in road or right of way.
- G. Food Trucks.

#### **SECTION 1817 USE OF PROPERTY**

- A. 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 and approved by the Zoning Administrator or building inspector.

**ARTICLE XIX  
OFF-STREET PARKING, LOADING,  
AND UNLOADING REGULATIONS**

**SECTION 1901 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 two hundred (200) square feet (a parking space 10' 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. An attached or detached 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 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 a recommendation of the Planning Commission and approval by the Township Board of Supervisors.
- 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 Township Board of Supervisors. 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. 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.

**SECTION 1902 PARKING FACILITIES REQUIRED**

- A. 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 Township Board of Supervisors in addition to provisions for ingress and egress.

- B. 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 as approved by the Zoning Administrator. If no similar uses are mentioned, the number of parking spaces required will be determined by the Zoning Administrator.

**PARKING TABLE**

Use	Parking Spaces Required
<b>Agricultural Uses</b>	
Agricultural Processing Businesses	1 per employee plus one per each 800 square feet of retail area
Stable & Riding Academy	1 per employee plus 1 per each 8 horse stalls
<b>Residential Uses</b>	
Single-Family Dwelling and Two Family	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 every 2 occupants 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 nonresident employee and one additional space
Dormitories	1 per every 2 occupants
Fraternity/Sorority	1 per every 2 occupants
Group Residence Facility	1 per each 6 residents
Rooming House	1 per each rentable unit
<b>Commercial Uses</b>	
Adult Entertainment Establishment & Associated Facilities	1 per 250 sq.ft. of floor area devoted to retail sales
Airports & Private Airstrips	Private: 1 per every 4 patrons
Automobile Sales & Service Facility	1 per 300 square feet customer service area; to a required maximum of 30 designated customer parking spaces, plus 1 parking space per employee on largest shift
Bed & Breakfast Establishment	1 per each sleeping room in addition to the parking required for the single-family dwelling
Building Material & Supply	1 per each 400 sq.ft. of gross floor area

Car Wash Facility	1 per employee on largest shift, plus 1 per each bay in self-service facility or 1 per 1,000 sq.ft. of gross floor area in automated facility to allow for drying of vehicles
Day Care Facility	1 per each teacher and/or employee on largest shift, plus 1 per each 5 students
Eating and Drinking Establishment (any size)	1 per each 2 patron seats plus 1 per employee on the largest shift
Event Venue	1 per 200 sq.ft. of gross floor area
Flea Market	2 per 1,000 sf.ft. of retail area
Funeral Home	25 for the first parlor or viewing room, plus 10 per each additional viewing room
Gasoline Service Station/Convenience Store	1 per 200 sq.ft. gross floor area
Golf Course (private or public)	2 per tee
Hospital/Clinic	1 per each staff on the largest shift plus 1 per each bed
Hotels/Motels/Motor Inn	1 per guest room. plus 1 per employee on the largest shift
Kennel	1 per each 5 kennel units, plus 1 per employee on the largest shift
Laundromat	1 per every 2 washing machines
Marina (commercial)	1 per 2 boat stalls
Medical Marijuana Dispensary	1 per every 250 sq.ft. of gross floor area
Mixed Residential/Commercial Building	Total of spaces required for each type of use
Outdoor Commercial Display Establishment	1 per every 250 sq.ft. of retail space
Personal Service Establishment	1 per every 400 sq.ft. of gross floor area
Pet Grooming Establishment	3 per each service bay, plus 1 per each employee on the largest shift
Planned Research & Business Park	1 per employee on the largest shift, plus 1 visitor space per 25 employees
Professional Office/Service	1 per each 250 square feet of gross floor area plus 1 parking space per employee
Recreation Facility (indoor commercial)	1 per each 3 persons in maximum occupancy
Recreation Facility (outdoor commercial)	1 per 3 persons in maximum occupancy
Rental Service Facility	1 per each 400 sq.ft. of gross floor area
Retail Stores (any size)	1 per each 400 sq.ft. of gross floor area

Self-Storage Facility	1 per employee on the largest shift, plus 1 per each 300 sq.ft. devoted to office space
Veterinary Clinic	1 per treatment room, plus 1 per employee on the largest shift
Winery	1 per each 2 patron seats, plus 1 per employee on the largest shift
<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
Automobile Impound/Towing	1 per each 1,500 sq.ft. of area
Brewery, Micro-Brewery, or Distillery	1 per each patron seat, plus 1 per employee on the largest shift
Industrial (light or heavy) or Industrial Park	1 per employee on the largest shift, plus 1 visitor space per 25 employees
Junkyard	1 per each 1,500 sq.ft. of vehicle or scrap material storage area
Landfill	1 per each 1,500 sq.ft. of area
Mineral Extraction Facility & Sand & Gravel Pit	1 per employee on the largest shift
Medical Marijuana Growing/Processing	1 per employee on the largest shift
Research Laboratory	1 per employee on the largest shift
Truck & Heavy Equipment Sales, Service, & Repair Facility	1 per 300 sq.ft. of gross floor area, to a maximum of 30 spaces, plus 1 per employee on the largest shift
Truck Terminal	1 per employee on the largest shift, plus 1 visitor space per 25 employees
Warehouse, Wholesale Facility	1 per 500 sq.ft. of gross floor area, plus 1 per employee on the largest shift
<b>Institutional Uses</b>	
Campground & Recreational Vehicle Park	1 per campsite
Cemetery	1 per each 40 sq.ft. of area accessible to the public
College & University Supported Buildings	1 per employee on the largest shift, plus any required spaces for other uses that are listed in this table
Energy Response Facility	1 per employee on the largest shift

Energy Facility System	1 per employee on the largest shift
Essential Service (public utilities) & Essential Service Structure	1 per employee on the largest shift
Library	1 per every 400 sq.ft. gross floor area
Nursing , Convalescent, Assisted Living, & Retirement Home	1 per employee on the largest shift, plus 1 per each 4 beds
Park, Public	
Place of Worship (any size)	1 per each 4 persons permitted in maximum occupancy
School (primary/secondary)	1 per each teacher and staff, plus 1 for each 4 classrooms, plus 1 for each 2 students age 16 and over
Social & Fraternal Club	1 space per one hundred 100 sq.ft. of floor area
Sportsman’s Club	1 space per one hundred 100 sq.ft. of floor area
Treatment Center/Pre-Release Detention Center	1 per employee on the largest shift, plus 1 visitor space per every resident
Wireless Communication Facility	1 per employee on the largest shift

**SECTION 1903 SHARED PARKING**

- A. The parking spaces required in this Ordinance may be reduced by an amount determined by the Township Supervisors when it can be demonstrated that sufficient parking is already available or can be provided by the subject uses through shared parking.
  - 1. The applicant shall provide evidence about anticipated parking demand at peak times and the distance relationship between shared parking spaces and the specific uses to be served.
  - 2. Some portion of the shared off-street parking area shall lie within 200 feet of an entrance, regularly used by patrons, into the buildings to be served by the shared parking.
  - 3. Access and parking easements shall be prepared and recorded for each property to be served by the shared parking. A copy of the easements shall be provided to Harborcreek Township.
- B. The use of shared parking shall be required when the development is under the control of a single owner/developer and contains commercial, retail, office, institutional, or public uses with staggered peak parking demands.
- C. The minimum amount of shared parking required shall be calculated by the Zoning Administrator.

**SECTION 1904 PARKING HELD IN RESERVE**

- A. If the number of spaces required is substantially larger than the number of spaces anticipated by the applicant, then the applicant may hold some of the parking in reserve in order to avoid unnecessary paving while ensuring adequate area for potential parking demands.

1. Suitable area must be available on the site for 100% of the parking required.
2. The number of spaces which must be paved initially may be reduced by up to 50%, with the approval of the Township Board of Supervisors. The area held in reserve can be greenspace, but must be maintained. All stormwater engineering shall be designed based on total parking requirements, including the reserve.
3. The Township may require installation of these parking spaces under the following conditions:
  - a. When there is evidence of a continued overflow of parking as installed by the applicant.
  - b. The parking capacity shall be reevaluated whenever there is a change in use, ownership, number of employees, number of residents, building size, and/or land area.

## **SECTION 1905 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 Loading Berths: 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 1906 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:
    - a. 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.
    - b. 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, including residential driveways, entering onto a State highway shall not be approved unless the PA Department of Transportation permit has been submitted to Harborcreek Township. Moreover, no zoning permit shall be issued for new construction where such permits are required until such permits have been approved and presented.

**SECTION 1907 AMERICAN WITH DISABILITIES ACT (ADA) PARKING PROVISIONS**

- A. Special, signed parking spaces that meet the ADA standards shall be provided at all residential, commercial, industrial and public and semi-public facilities where twenty-five (25) or more parking spaces are required. ADA 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. At least one of every six (6) accessible parking spaces, or a fraction of six (6), in each parking facility must be sized to accommodate vans. On sites with multiple parking facilities, the minimum number of accessible spaces must be calculated separately for each facility.
- B. The ADA 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 XX SIGNS

### SECTION 2001 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 2002 GENERAL INTENT

The sign regulations with the provisions set forth in this rOrdinance 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 2003 SIGNS PERMITTED IN ALL DISTRICTS

- A. (Unless where otherwise restricted) – Signs listed in this Section are permitted in all Districts and shall not require a zoning permit 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. Home Occupation Signs:
    - a. One unanimated, non-illuminated sign or window sign having an area not more than four (4) square feet.
    - b. Not more than six (6) feet in height above the average ground level.
  2. 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.
  3. 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.
4. Temporary Holiday Decorations and Lights, unless determined by the sign inspector to constitute a hazard to public safety.
  5. 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.
  6. 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.
  7. 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.
  8. 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.
  9. 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.
  10. 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.
  11. 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.
  12. Memorial Signs or Tablets and signs denoting the date of erection of buildings.
  13. The Flag, Pennant or Insignia of Any Government or of Any Religious charitable, or fraternal organization.
  14. 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.

15. 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.
16. 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.
17. 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 2007.
18. 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 2007.

#### **SECTION 2004 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.
  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 Administrator . 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 2005 SIGN REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS**

- A. 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 as long as it is no larger than the original sign. 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. 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.



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.
- H. 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 2006 SIGN REGULATIONS FOR VILLAGE AND LAKEFRONT DISTRICTS**

- A. All signs are prohibited in residential zones except home occupation signs and those signs enumerated in Section 2003.
- 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.
- C. Wall Sign: The total sign area of a wall sign shall not exceed 80% of the building width.
- D. Freestanding Sign: The total sign area of a freestanding sign shall not exceed 50% of the building width.
- E. Sign Height: Freestanding sign height shall be more than 10 feet.

**SECTION 2007 ADDITIONAL REGULATIONS FOR ALL DISTRICTS**

- A. If a building has visibility from more than two (2) sides, the Zoning Administrator can approve an increase in total sign area by 20%.
- B. 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.
- C. 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.
- D. 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 2008 SIGN PERMITS AND FEES**

- A. All permanent signs except those enumerated in Section 2003 "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 Administrator. The following shall be submitted to the Zoning Department along with the application.
  - 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 Administrator shall require in order to show full compliance with this and all other applicable laws of the Township.
- 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 Administrator. Such permit shall be issued only when the Zoning Administrator 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. Every applicant shall pay the sign application fee to the Township Zoning Office. The sign permit fee shall be established by Resolution of the Township and may be subsequently revised by resolution to accurately reflect review and inspection costs.
- F. Every application shall secure a sign permit with the Building Code department. Fees are established based on the Building Code Official's fee schedule.
- G. 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.

#### **SECTION 2009 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 Administrator.
- 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 Administrator.



- 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.
- E. 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 2010 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 2011 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 Administrator 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 XXI**  
**NON-CONFORMING USES, STRUCTURES, AND LOTS**

**SECTION 2101 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 2102 NON-CONFORMING LOTS OF RECORD**

- A. Any Lot of Record existing at the effective date of this Ordinance and held in separate ownership different from that of the adjacent lots may be developed in accordance with the requirements of the zoning district of where lot of record is located.
- B. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be legally combined by deed and recorded at the County Recorder of Deeds Office for the purpose of complying with this Ordinance. No division of any lot shall be made which does not comply with the requirements of this Ordinance. Any change in lot lines necessary to meet the minimum requirements of this Ordinance shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Harborcreek Township Subdivision and Land Development Ordinance.

**SECTION 2103 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 this Article.
- 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, the use shall be considered abandoned, and any subsequent use of such land shall conform to the regulations for the district in which such land is located.
  - 1. The use shall not be considered abandoned if the owner can provide proof to the Township that is actively being marketed for sale or rent.

#### **SECTION 2104 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 Administrator.
- 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 2105 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 2106 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.

**ARTICLE XXII  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 2201 ZONING ADMINISTRATOR**

- A. 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. The Zoning Administrator shall be appointed by the Township Board of Supervisors.
- B. It shall be the duty of the Zoning Administrator to have such duties and powers to administer and enforce this Ordinance, including but not limited to the following:
1. To 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. To receive and refer to the Zoning Hearing Board all applications for a variance, special exception use, and other matters within the jurisdiction of said board.
  3. To receive and refer to the Planning Commission and Township Board of Supervisors all petitions requesting rezoning of properties and vacation of paper streets.
  4. To refer to the Planning Commission and Township Board of Supervisors all subdivision and land development applications and plans.
  5. To refer to the Township Board of Supervisors such applications or petitions as are directed to the Township Board of Supervisors for action.
  6. To receive and review applications for subdivision waiver approval.
  7. To engage such expert opinions, with prior approval, as the Township Board of Supervisors deems necessary to report upon unusual technical issues which arise.
  8. To be responsible for enforcement of this Ordinance.
  9. To approve and issue a permit or certificate only when all requirements for its issuance have been met.
    - a. 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.
    - b. 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.
  10. To conduct inspections of structures or buildings, lots and signs to determine compliance or non-compliance with the terms of this Ordinance. In carrying out such inspections, the Zoning Administrator or Township representative may enter upon any land and shall carry proper identification.
  11. To issue all notices or orders necessary to act upon applications and ensure compliance with this Ordinance.

12. To issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit or certificate.
13. To register non-conforming lots, structures and uses.
14. To communicate with the Building Code Official retained by the Township to administer and enforce the Uniform Construction Code (UCC), 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 information for the proper administration of the Ordinances, including but not limited to notices of violation of the respective regulations and assistance in enforcement proceedings.
15. To issue all notices and prosecute all actions necessary to enforce this Ordinance and permits or certificates as issued.
16. To 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.
17. To 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.
18. To submit to the Township 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 Township Board of Supervisors or its designee.
19. To be responsible for maintaining and updating this Ordinance and Zoning Map, including any amendments.
20. To review proposed subdivision and land development for compliance with this Ordinance.

#### **SECTION 2202 ZONING PERMIT**

- A. Requirements: Until a zoning permit has been obtained from the Zoning Administrator, it shall be unlawful to excavate for foundation; construction or alteration of any building or structure; construction of an addition of a building or structure; demolition or relocate a building or structure; change of use within an existing building or structure; conversion of any structure, building; construction or installation of swimming pools holding over 24" of water in depth; alteration of an existing sign or installation of a sign; movement of a lot line which affects an exiting structure or building, such movement being subject to regulations established in the Township's Subdivision and Land Development Ordinance; construction or alteration of any drive or other access to a state highway without Pennsylvania Highway Occupancy Permit with the Pennsylvania Department of Transportation.
- B. Exemptions to Zoning Permits: The following activities do not require a zoning permit, however, may require a building permit through the Building Code Inspector:
  1. Accessory structure less than 224 sq. ft. (sheds, carport, pavilion, gazebo)
  2. Fence
  3. Handicap ramps
  4. Stoop not exceeding 24 sq. ft.

5. Open stairs
6. Solar panel
7. Patio that shall be at-grade with no walls or roof structure
8. Mailboxes
9. Retaining wall
10. Accessory solar panels (rooftop and ground mounted)
11. Ordinary repairs and maintenance to buildings or structures (including residential interior renovations that do not increase the footprint of the building). Repairs shall not include removing a wall (including partition or portion thereof); structural beam or loadbearing support; alterations of means to egress; addition to, alteration of, or replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, mechanical or other work affecting the public health or general safety.

C. Exemptions to Building Permits:

1. Accessory structures that are detached and 1,000 sq.ft. or less.
2. Decks/porches that are 30" or less in height and do not have a roof structure.
3. Agricultural buildings.

D. Zoning Permit Application Submittal:

1. Applications shall be made on a form provided by the Township and shall be accompanied by a site plan including any additional information that the Township may require for administration of this Ordinance. Such completed application, with the required fee, shall be submitted to the Township Zoning Office for processing. An application shall be deemed complete when the application is filled out by the applicant, all necessary information is submitted, and other additional information depending on the applicant's project.

E. Building Permit:

1. The building permit is distinct from a zoning permit. Projects that are regulated by the Uniform Construction Code, shall require a building permit. Applicants shall receive a zoning permit approval prior to securing the building permit, if applicable.

F. To Whom the Application is Made:

Application for a zoning permit shall be made by the owner or lessee; or authorized agent; contractor or design professional employed or retained by such owner or lessee in connection of such work, the following is required to accompany the application.

1. If a person, other than the owner, is submitting the application an affidavit from the owner authorizing the person making such application to do so on behalf of the owner.
2. The owner shall be bound by all representations made on application and all regulations governing issuance of any permit(s).
3. The full name and mailing addresses of owner, applicant and the responsible officers, if the owner or the applicant is a corporation, shall be set forth in the application.
4. The owner shall be bound by all representations made on the application and by all

regulations governing issuance of any permit(s).

5. The full names and mailing 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.

G. Issuance of a Zoning Permit:

Until a zoning permit has been obtained from the Zoning Administrator, it shall be unlawful to conduct any of the activities listed in section A.

1. Form of application: The application for a permit shall be submitted in such form as the Zoning Administrator may prescribe and shall be accompanied by the required fee as prescribed.
2. Description of work: The application shall contain a general description of the proposed work and/or use and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Administrator. The application shall establish that the land may lawfully be used as proposed and that all regulations of this Ordinance are complied with, absent an adjudication of the Zoning Hearing Board authorizing such use and construction.
3. Site Plan: A site plan indicating the location of the proposed construction with dimensions and setbacks from proposed building or structure to property lines. In cases where proposed construction activity other than one and two-family residential dwellings, data from the approved land development plans or plan amendments may be incorporated in the permit application in lieu of a new site plan.
  - a. Additional Documentation: The Zoning Administrator may require additional information which is deemed necessary to properly evaluate the application for the purpose of its conformity with this Ordinance.
  - b. Stormwater management plan: A small stormwater project application completed by the applicant or a stormwater management plan submitted by a professional surveyor or engineer for the premise of the proposed activity may be required.
  - c. Wetlands: If the property is known or is determined to have wetlands, a wetland delineation study shall be submitted to determine if construction activity will affect any wetlands. If construction will impact wetlands, a permit/approval from Pa. Department of Environmental Protection is required.
  - d. Flood zone areas: If the construction activity appears to be located within an area subject to regulations by the Harborcreek Township Floodplain Ordinance or if the Zoning Administrator is unable to determine if the proposed activity is in a flood area, a survey by a certified surveyor shall be required indicating the location flood boundary area, proposed and existing building(s) or structure(s) shall be required. A base flood elevation certificate completed by a licensed surveyor or engineer may also be required. Compliance with the regulations of Harborcreek Flood Plain Ordinance shall be met prior to issuance of a permit or building permit.
  - e. Grading plan: A grading plan meeting all Township specifications shall be submitted, if it's determined that it is necessary to approve the permit. The approved plan shall be complied with in the course of construction pursuant to the approved zoning permit and UCC permit, if applicable.
  - f. Access to State Highway: The applicant is responsible for securing a PennDOT Highway Occupancy Permit (HOP) with the PA Department of Transportation. No



construction or installation shall be permitted until such time applicant receives a Highway Occupancy Permit to install driveway access.

- g. Access to Township Road: No permit proposing access to a Township road by a use greater than minimum traffic volume shall be issued until such proposed access has been authorized by the Township Board of Supervisors, either through land development or by written authorization. The Zoning Administrator may grant zoning permits for minimum traffic volume accessing to a Township road where all conditions for such access have been met.
- h. Sewage Disposal:
  - 1) If a building or structure is to be served by public sewer, a sewer permit is required with the Harborcreek Sewer Authority.
  - 2) If no public sewer is available the applicant is responsible to secure a permit with Erie County Health Department/PA Department of Environmental Protection. A soil suitability test will be conducted to determine what type of disposal system that can be installed. A copy of the permit is required prior to issuance of a zoning permit.
- i. Water Supply:
  - 1) Where public water is not available, the site plan shall indicate the location of the private water supply.
  - 2) Where public water is available but line must be extended, written confirmation by the water authority is required.
- 4. Subdivision/Land Development: An approved, recorded subdivision plan and/or land development site plan.
- 5. Zoning Hearing Board: If applicable, a copy of the decision of Zoning Hearing Board authorizing issuance of such permit.
- 6. Demolition: Prior to a demolition of a building or structure, the applicant is responsible for contacting all utility companies to ensure that each utility is shut off or disconnected. The applicant is also responsible to secure a demolition permit, per the Uniform Construction Code.
- 7. Authorization of Inspections: The submission of a zoning permit shall authorize the Zoning Administrator, his or her subordinates and/or designees or Building Code Official, if deemed necessary by the Zoning Administrator to inspect the construction of said activity as such on the permit application to determine all necessary regulations are in compliance with this Ordinance.
- 8. Action upon permit: Upon receiving the application, the Zoning Administrator shall examine and act upon the application within ten business days. If the application or plans do not conform to the provisions of all pertinent laws, Zoning Administrator shall reject such application in writing, stating the reasons therefor. Zoning Administrator shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other pertinent laws and Ordinances a zoning permit shall be issued.

H. Conditions of a Zoning Permit:

1. A zoning permit issued shall authorize only the use or construction specified on the permit and application, and no other.
  2. Payment of fees: No permit shall be issued until the fees required therefore prescribed by the Township Board of Supervisors pursuant to resolution shall be paid to the Township. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other Ordinances or laws.
  3. 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.
  4. All new work shall be located strictly in accordance with the approved site plan or plot plan.
  5. 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 Township 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.
  6. 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.
  7. A zoning permit shall be a license to proceed with the work or to secure a building permit 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.
  8. 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 (building) permit, development plan approval or agreement, use Certificate, UCC occupancy certificate or other governmental approval and/or Township Ordinance or regulation.
- I. Time Limit on a Zoning Permit: The permit shall expire one (1) year from the date of issuance.
1. Any permit issued shall become invalid if:
    - a. If the authorized work is not commenced within six (6) months after issuance of the permit.
    - b. If the applicant has not obtained a UCC building permit, where required, within six (6) months after issuance of the permit.
  2. An extension may be granted by the Zoning Administrator not exceeding ninety (90) days where good cause is shown.
- J. Revocation of a Permit: The Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, or provisions of all pertinent laws.

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 Township Board of Supervisors.
- K. Amendments to zoning application:
1. 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 2203 USE CERTIFICATES**

- 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 Chapter 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.
- B. A Use Certificate shall 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.
- C. A Use Certificate shall be applied for and issued before any changes in the use of land, or any building or structure may be made. The following are activities that require a certificate:
1. A use or occupancy of vacant land.
  2. Change in use of land.
  3. Change in use of an existing building or structure.
  4. Activities that do not require a zoning permit but require a use certificate shall be issued by Zoning Administrator or subordinate within ten (10) days after submission of a completed use certificate application and payment of all fees required therefore.
- D. A use certificate shall also serve as an approval for temporary uses. Applicant is required to complete a temporary use certificate application, site plan, and required fee. If approved, the use certificate shall be displayed during the temporary use. Such temporary certificates shall be for a period of time to be determined by the Zoning Administrator, however in no case shall they exceed three (3) months.
- E. 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.
- F. 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.

- G. 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 therefore paid in the time and manner prescribed in this Section, no Use Certificate shall be warranted or issued.

#### **SECTION 2204 JURISDICTION OF TOWNSHIP BOARD OF SUPERVISORS**

The Township Board of Supervisors shall have exclusive jurisdiction to hear and render final decisions in the following matters:

- A. All applications for approvals of planned residential developments.
- B. All applications for approval of subdivisions or land developments; including modifications.
- C. Applications for conditional uses.
1. Where the Township Board of Supervisors has stated conditional uses to be granted or denied pursuant to expressed standards and criteria, the Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria.
  2. The applicant shall have the burden of proving compliance with the criteria for conditional uses.
  3. The Township Board of Supervisors shall impose such reasonable conditions as it deems necessary to effect the intent and purpose of this Ordinance and to protect the health, safety and welfare of the citizens of the Township, especially those citizens most directly affected by the proposed use.
  4. Applications for curative amendments to this Ordinance.
  5. Petitions to rezone.
  6. Petitions to vacate paper street.

#### **SECTION 2205 JURISDICTION OF PLANNING COMMISSION**

The Township Board of Supervisors shall appoint a Planning Commission consisting of five members. All members of the Commission shall be residents of Harborcreek Township which acts as an advisor to the Township Board of Supervisors.

- A. Functions of the Planning Commission is a recommending commission to the Township Board of Supervisors pursuant to section 209.1 of the Pennsylvania Municipalities Planning Code.
1. Make recommendations concerning the adoption or amendment of an official zoning map.
  2. Prepare and present to the governing body a zoning Ordinance and make amendments to it.
  3. Prepare and recommend subdivision and land development and planned residential development regulations.
  4. Conduct studies, as either directed by the governing body or self-initiated, as necessary.
  5. Review subdivision and land development plans and make a recommendation to the governing body.
  6. Review home occupations and conditional use applications and make a recommendation.
  7. Other duties that promote public interest.

8. Hold public monthly meetings.

## SECTION 2206 AMENDMENTS

- A. The Township Board of Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance, including the Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Township Board of Supervisors, or by a petition to the Township Board of Supervisors. Such amendment, supplement, change, or repeal shall be submitted to the Township Planning Commission and Erie County Department of Planning for its recommendations as in accordance with the Pennsylvania Municipalities Planning Code before final action shall be taken by the Township Board of Supervisors.
- B. Amendments Initiated by the Township Planning Commission: When an amendment, supplement, or change, is initiated by the Township Planning Commission, the proposal shall be presented to the Township Board of Supervisors, who shall then proceed in the same manner as with a petition to the Township Board of Supervisors, which has already been reviewed by the Township Planning Commission.
- C. Amendments Initiated by the Township Board of Supervisors: When an amendment, supplement, change, or repeal is initiated by the Township Board of Supervisors, it shall submit the proposal to the Township Planning Commission and Erie County Department of Planning for review and recommendations.
- D. Procedure for Petition: The petition for amendment, supplement, or change shall contain as fully as possible all the information requested by the Zoning Administrator and shall be signed by at least one record owner of the property in question, whose signature shall be notarized, attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Township Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.
  1. Referral to the Township Planning Commission and Erie County Department of Planning:
    - a. After receipt of the petition by the Township Board of Supervisors, said petition shall be presented to the Township Planning Commission for review and recommendations at least thirty (30) days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Township Board of Supervisors in writing within thirty (30) days from the date of said referral. If the Township Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Township Planning Commission has approved the proposed amendment, supplement, or change.
    - b. The proposed Ordinance shall also be referred to the Erie County Planning Commission for recommendations in accordance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  2. Public Hearing:
    - a. The Township Board of Supervisors shall at a regular or special meeting hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one newspaper of general circulation in the Township once each week for two (2) successive weeks, not more than sixty (30) days and not less than seven (7) days prior to the date of said hearing.

- b. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- 3. Action by the Township Board of Supervisors:
  - a. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice. Notice of the proposed amendment must also be published at least ten (10) days prior to enactment.
  - b. Within thirty (30) days of enactment, a copy of the amendment shall be forwarded to the Erie County Department of Planning.

### **SECTION 2207 CHALLENGES TO VALIDITY OF ORDINANCE**

- A. A landowner who, on substantive grounds, desires to challenge the validity of this Ordinance or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge to Township Board of Supervisors with a request for a curative amendment.
- B. Persons aggrieved by a use or development permitted on the land of another by this Ordinance or the map, or any provision thereof, who desire to challenge its validity on substantive grounds shall first submit their request to the governing body as provided in Section 909.1 (b) (4) of the Pennsylvania Municipalities Planning Code. The request shall be accompanied by an amendment or amendments to this Ordinance to cure the alleged defects therein.
- C. The Township Solicitor shall represent and advise it at the hearing or hearings.
- D. Based upon the testimony presented at the hearing or hearings, the governing body shall determine whether the challenged Ordinance or map is defective, as alleged by the landowner. If its found to have merit, the governing body shall proceed amend the Ordinance or map.
- E. The curative amendment shall be referred to the Township Planning Commission and the Erie County Department of Planning at least thirty (30) days before the hearing is conducted by the Township Board of Supervisors.
- F. Public notice shall be given, and the hearing conducted in accordance with applicable provisions of the Pennsylvania Planning Code, Act 247, as amended by Act 170.

### **SECTION 2208 CONDITIONAL USE**

The Township Board of Supervisors may grant Conditional Use approval pursuant to the criteria for such specific uses. In addition, the Board of Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- A. Application Procedure:
  - 1. Applications for any Conditional Use shall be made to the Zoning Administrator who shall refer such applications to the Board of Supervisors. Upon receipt of a Conditional Use application, Zoning Administrator shall forward a copy of the application to the Board of Supervisors. The Board of Supervisors will then refer the conditional use application to the Planning

Commission for review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 30 days of receipt of such request.

2. The applicant shall comply with the criteria set forth in this Ordinance and shall have the persuasion burden to show the request is not detrimental to the health, safety, and welfare of the neighborhood.

B. Written Statement:

1. All applications for Conditional Uses shall be completed by applicant and submit along with the prescribed fee, site plan, and parking plan.

C. Hearing Requirements:

1. The Township Board of Supervisors shall conduct a public hearing in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.
2. Public notice of the hearing shall be given in accordance with the applicable provisions of the Code. In addition, notice shall be given to the applicant, all owners of within 500 ft. or 1,000 ft. depending on zoning district. Such notices shall be in writing and shall be given not more than thirty (30) days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
3. The hearing shall be scheduled within sixty (60) days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
4. The parties to the hearing shall be the applicant and any person affected by the application who has made a timely appearance of record before the Township Board of Supervisors, and any other person. The Township Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
5. The Township Board of Supervisors, in considering any Conditional Use, may prescribe reasonable conditions and safeguards, in addition to those expressed in this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Ordinance.
6. Written Decision: The Township Board of Supervisors 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 Township Board of Supervisors. 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 provision of this Ordinance 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. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed no later than the day following its date.
7. Action: If the Township Board of Supervisors determine that the application for Conditional Use meets all requirements of this Ordinance and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the criteria set herein, shall direct the Zoning Administrator to issue a zoning approval for such Conditional Use.

D. Expiration of Decision:

1. Unless otherwise specified by the Township Board of Supervisors at the time of their action, a

Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

### **SECTION 2209 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 Township 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 Township Board of Supervisors to defray costs of advertising, processing and professional services.
- C. Each appeal or application to the Zoning Hearing Board or Township 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 Township 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 therefore.
- 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 Township 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 therefore are received by the Zoning Administrator.
- E. Other requests made to the Township Board of Supervisors:
  - 1. Petition to vacate a paper street to the Township Board of Supervisors shall be accompanied by a filing fee as prescribed in the schedule of fees established by resolution of the Township Board of Supervisors and shall include a reimbursement agreement that is signed by petitioner to reimburse the Township for costs associated with the vacation; solicitor fees and advertisement costs. Reimbursement fees shall be paid prior to recording of documents that is associated with the vacation of paper street.

### **SECTION 2210 VIOLATION, REMEDIES, AND PENALTIES**

- A. Education on provisions: When it appears a violation has occurred the Zoning Administrator or code enforcement officer, as part of their investigation to determine if in fact, a violation has occurred, shall send a letter to discuss the matter and education the possible violator(s) of the provisions of this Ordinance.
- 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 Administrator 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 Township Board of Supervisors of Harborcreek Township. No such action may be



maintained until such notice has been given.

- C. Enforcement Notice: When it is determined to the Township and/or the Zoning Administrator or Code Enforcement Officer that a violation has occurred or is continuing after the education of the provisions of this Ordinance, the Zoning Administrator or Code Enforcement 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.
- D. Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under this Article.
- E. Enforcement Remedies:
1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance or any prior Ordinance still in effect shall, upon being found liable therefor in a civil enforcement proceeding commenced by Harborcreek Township or its duly designated representatives, pay a judgment of up to five hundred (500) dollars, plus all court costs, including reasonable attorneys' fees incurred by Harborcreek Township, as a result of seeking such enforcement.
  2. Civil enforcement proceedings shall be commenced before any Magisterial District Judge. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge.
  3. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation. In such event, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge. Thereafter, each day that a violation continues shall constitute a separate violation.
  4. If the defendant neither pays nor timely appeals the judgment, Harborcreek Township may enforce the judgment pursuant to the applicable rules of civil procedure. All judgments, costs and reasonable attorneys' fees collected for the violation of this ordinance shall be paid over to Harborcreek Township.

5. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than Harborcreek Township and its Zoning Administrator the right to commence any action for enforcement pursuant to this section

**ARTICLE XXIII**  
**ZONING HEARING BOARD**

**SECTION 2301 ESTABLISHMENT OF ZONING HEARING BOARD, MEMBERSHIPS, TERMS, VACANCIES**

There is hereby created a Zoning Hearing Board which shall, for the purpose of this Ordinance, be referred to as the "ZHB." The membership of the Board shall consist of three (3) residents and one (1) alternate that of a resident of the Township appointed by resolution of the Township Board of Supervisors. Members of the ZHB shall hold no other office in the Township. The terms of office of the Board members shall be three (3) years and shall be so fixed that the term of office of one (1) member of the Board shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term.

**SECTION 2302 ORGANIZATION OF ZONING HEARING BOARD**

The ZHB shall adopt such rules and regulations to govern its procedures as it may deem necessary. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. Meetings of the ZHB shall be at the call of the Chairman and at such other times as the ZHB may determine. The Chairman or, in his absence, the Acting Chairman, for the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the ZHB. All meetings of the ZHB shall be open to the public. The ZHB shall keep full public records of its business, which shall be the property of the Township, and shall submit a report of its activities to the Township Board of Supervisors once a year.

**SECTION 2303 HEARINGS**

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Administrator, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the ZHB. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The hearings shall be conducted by the ZHB. The decision or, where no decision is called for, the findings shall be made by the ZHB.
- D. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the ZHB, and any other person, including civic or community organizations, permitted to appear by the ZHB.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. The ZHB shall record the proceedings with a stenographer.
- G. The cost of the original transcript shall be paid by the requester.
- H. The ZHB or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their Solicitor.

- I. The ZHB shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the ZHB. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore, when required by law. Conclusions based on any provisions of law or of any Ordinance, rule, or regulation is deemed appropriate in the light of the facts founds.
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than five (5) days following its date.

#### **SECTION 2304 JURISDICTION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of this Ordinance, except those brought before the Township Board of Supervisors pursuant to sections 609.1 and 916.1 (aa) (2) of the Pennsylvania Municipalities Planning Code (Act 247 as amended).
- B. Validity challenges to this Ordinance or zoning map raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.
- C. Appeals from the determination of the Zoning Administrator, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot.
- D. Applications for variance from the terms of this Ordinance.
- E. Applications for special exceptions under this Ordinance.

#### **SECTION 2305 VARIANCES AND SPECIAL EXCEPTIONS**

- A. Variances
  - 1. The ZHB shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The ZHB may by rule prescribe the form of application and may require preliminary application to the Zoning Administrator. The ZHB may grant a variance, provided that all of the following findings are made where relevant in a given case:
    - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
    - b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
    - c. That such unnecessary hardship has not been created by the appellant.
    - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or

permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 2. In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- B. Special Exceptions: Where the Township Board of Supervisors, in this Ordinance, have stated special exceptions to be granted or denied by the ZHB pursuant to expressed standards and criteria. The ZHB shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

**SECTION 2306 PARTIES APPELLANT BEFORE ZONING HEARING BOARD**

- A. Appeals may be filed with the Zoning Administrator in the form the Township provides. Appeals may be filed by the landowner affected, any officer or agency of the Township, or any person aggrieved.
- B. Requests for a variance and special exceptions may be filed with the Zoning Administrator in the form the Township provides. Variances may be filed by any landowner or any tenant with the permission of such landowner.

**SECTION 2307 TIME LIMIT**

- A. If the variance or special exception is granted, then the appellant or applicant shall secure a zoning permit and if applicable, a building permit within said six (6) months of date of decision.
- B. If the appellant or applicant secured necessary permits but fails to commence proposed work within one (1) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances, and permits granted to him shall be deemed automatically rescinded by the ZHB.

**SECTION 2308 STAY OF PROCEEDINGS**

- A. Upon filing of any proceeding and during its pendency before the ZHB, shall be stayed unless the Zoning Administrator or any other appropriate agency or body certifies to the ZHB facts indicating that such stay would cause imminent peril to life or property, in which case the official action shall not be stayed otherwise than by a restraining order, which may be granted by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Administrator or other appropriate agency or body. When an application for an appeal, has been duly approved and proceedings designed to reverse or limit the approval are filed with the ZHB by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the ZHB.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.