

# ZONING ORDINANCE

## South Buffalo Township, Armstrong County



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# **Article I**

## **Title and Purpose**

### ***Section 100: Titles***

A. Long Title:

An ordinance of South Buffalo Township, Armstrong County, Pennsylvania, has been created to establish zoning regulations for the use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, watercourses, other bodies of water, and structures for agriculture, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and the prescribing of remedies for violations.

B. Short Title:

This Ordinance shall be known and may be cited as the South Buffalo Township Zoning Ordinance.

### ***Section 101: Purpose***

This Ordinance is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

### ***Section 102: Scope***

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Ordinance. Any lawfully existing use, building or land not in conformity with the regulations on the effective date of this Ordinance herein prescribed shall be regarded as nonconforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures, or uses

### ***Section 103: Relationship to the Comprehensive Plan***

This Ordinance is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the East Franklin Township and South Buffalo Township Joint Comprehensive Plan. The comprehensive plan includes data on existing conditions with reasonable consideration to the existing character of the various areas within the Township and the respective suitability to particular land uses.

### ***Section 104: Community Development Objectives***

The zoning regulations and districts set forth in this Ordinance are made in accordance with the overall goals of the East Franklin and South Buffalo Joint Comprehensive Plan for the general welfare of the Township and the promotion of the health, safety, and morals of present and future residents of South Buffalo Township and are intended, but not limited, to achieving the following objectives (per the East Franklin Township & South Buffalo Township Joint Comprehensive Plan, 2003, South Buffalo Township Board of Supervisors Resolution No.10-03):

Expand the present infrastructure, such as sewer and water, in a manner that supports development and also maintains the rural setting of the Township.

Encourage additional housing opportunities to meet the anticipated needs of the Township.

Maintain and improve the current road network in order to reduce congestion and facilitate economic development within the Township.

Provide alternative transportation opportunities that support and improve the movement of people and goods and enhance the quality of life of residents.

Develop an economic strategy that incorporates a diverse mix of business and industry, increases development opportunities, and strengthens the existing economic base.

Capitalize on the benefits of the Allegheny River to provide additional economic and recreational opportunities and promote tourism.

Provide a comprehensive recreation program with activities for residents in the Township regardless of age or ability.

Adopt and implement fiscally sound policies that support shared municipal services.

Promote the natural beauty of the Township through the development of land use policies that preserve the rural atmosphere of South Buffalo Township.

Foster a more cohesive education system through increased communication between the school districts and the local governments.

Utilize the East Franklin Township and South Buffalo Township Joint Comprehensive Plan to identify the desired future development of the municipalities and implement the Comprehensive Plan's goals efficiently and in a timely manner:

Provide strategies to help revitalize the economy.

Provide transportation options that reduce congestion and promote safety.



Control public expenditures and ensure efficient use of resources.

Foster a strong business and industrial environment through retention and expansion efforts.

Create a sense of place which is attractive to residents and visitors.

Capitalize on the natural, cultural, environmental and historic features of the community, including the Allegheny River.

Promote those aspects which are unique to each community.

### ***Section 105: Applicability***

- A. This ordinance is enacted pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- B. The provisions, regulations, limitations, and restriction of this Ordinance shall apply to all zoning districts, uses, lots, structures, signs, fences, walls, parking lots, driveways, accessory structures and uses, land developments and subdivisions within the municipal boundaries of South Buffalo Township, Armstrong County, Pennsylvania.

### ***Section 106: Compliance***

In all districts, after the effective date of this ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this Ordinance.

### ***Section 107: Interpretation***

- A. In interpreting and applying the provisions of this Ordinance, the Township holds these provisions to be the minimum requirements for the promotion of the health, safety and general welfare of the residents of the Township.
- B. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be literally interpreted; where doubt exists as to the intended meaning of the language written and enacted by the governing body, favor shall be afforded to the property owner and against any implied extension of the restriction.
- C. This Ordinance is not intended to interfere with, or abrogate or annul, any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.

- D. This Ordinance is not intended to interfere with , abrogate, annul, supersede or cancel any easements, covenants, restrictions or reservations contained in deeds, or other agreements, but that if this Ordinance impose more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Ordinance shall prevail.
- E. Whenever this Ordinance imposes a greater restriction upon the use of buildings or premises, open spaces or lot areas, or imposes higher standards other than those which are required in, or under statute, the provisions of the regulations made under the authority of this Ordinance shall govern.
- F. Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for South Buffalo Township shall not be considered to be in conflict with the provisions of this Ordinance.

### ***Section 108: Uses not provided for in this Ordinance***

- A. Whenever, under this Ordinance, a use, other than those, explicitly prohibited or those which are deemed to be noxious, injurious or offensive, is neither specifically permitted nor prohibited, an application may be made by an applicant to the Zoning Officer for such use.
- B. The Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to and compatible with the permitted uses in the zoning district in which the subject property is located and in no way conflicts with the general purposes and intent of this Ordinance.
- C. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the general purposes and intent of this Ordinance and would not be detrimental to the public health, safety and welfare of the neighborhood.

### ***Section 109: Severability and Validity***

It is hereby declared to be the intent of the South Buffalo Township Supervisors that:

- A. Provided any provision, article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue to be separately and fully effective; and
- B. Provided the application of any provision or provisions of this Ordinance to any lot, building or any other structure or tract of land is found to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, the effect of such a decision shall be limited to the person, property or

situation immediately involved in the controversy and the application of any such provisions to other persons, property or situations shall not be affected.

### ***Section 110: Continuation of Prior Provisions***

The provisions of this Ordinance, insofar as they are the same as those of ordinances and codes in effect immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court; any rights acquired or liability incurred; any permit issued or approval granted; or any cause or causes of action, including actions to enforce any right or penalty or punish any offenses under the repealed ordinances, arising prior to the enactment of this Ordinance.

### ***Section 111: Establishment of Districts and Overlay Zones***

For the purpose of this Ordinance, South Buffalo Township is hereby divided into districts and overlay zones which shall be designated as follows:

#### *Zoning Districts:*

***R-1 Residential District:*** It is the purpose of the R-1 Residential District to provide for low to moderate density housing in areas where such development presently exists, affording the protection of neighborhood quality, conservation of natural features.

***R-2 Residential District:*** It is the purpose of the R-2 Moderate Density Residential District to provide for alternatives to single family development within areas that have acceptable levels of infrastructure and access or areas that are likely to be served by acceptable levels of infrastructure and access.

***R-3 Residential District:*** It is the purpose of the R-3 High Density Residential District to provide for locations for higher density residential development within areas that have infrastructure and access sufficient to maintain a higher density or concentration of development in a small area.

***RA Rural Agricultural District:*** It is the purpose of the Agricultural District to provide, encourage, and protect lands suitable for farming, dairy, livestock, and other agricultural activities while providing for limited, low density residential development. The intent of the Agricultural District is to protect land used for farmland, food production and other agricultural uses, open space, scenic landscapes and from encroachment of untimely and unplanned development and to protect the rural character of the land and encourage rural conservation by preserving natural features, such as wetlands, watersheds, waterways, and forests.

***C-1 Neighborhood Local Service Commercial District:*** It is the purpose of the NC Neighborhood Commercial District to promote the development of land within older, built-up areas by permitting a mix of land uses within areas that have access to arterial roads, existing public infrastructure (water and sewer) or where public infrastructure may be extended or provided. Development shall be compatible with the established character of the community and provide additional development and/or redevelopment potential for commercial sites to serve the immediate daily needs of the surrounding neighborhoods and villages.

***I-1: Light Industrial:*** It is the purpose of the Light Industrial/Commercial Neighborhood District to provide a flexible zoning district in specific areas located along major roadways, to allow for a

variety of planned light industrial, commercial, office, warehousing, and multi-family residential where adequate highway, rail, and/or river access is available - subject to regulations designed to protect the environment and the health, safety and welfare of residents.

**I-2 General Industrial District:** It is the purpose of the General Industrial District to provide for industrial activities in area affording adequate highway and/or railroad access that are of an intrusive nature and are normally not compatible with and/or detract from the viability of other uses (due to high levels of noise, vibrations, odor(s), aesthetics and other related considerations) and to reduce conflict(s) with residential, commercial and agricultural areas.

*Overlay Zones:*

**AOZ – Airport Overlay Zone:** The Airport Overlay Zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public and/or private airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall apply. This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation.

**PUD – Planned Unit Development Overlay Zone:** The Planned Unit Development Overlay Zone shall be an overlay to the existing R-3, RA, C-1,I-1, and I-2 Zoning Districts as shown on the official South Buffalo Township Zoning Map; and as such, shall serve as supplemental development provisions to the underlying Districts. The purpose of the Planned Unit Overlay is to provide for the orderly and integrated development of mixed uses consisting of Planned Non-residential Developments (PRNDs), Planned Residential Developments (PRDs) and Planned Business Technology Parks (PBTP), and Planned Residential and Non-residential Mixed Developments (PRNRD).

## **Section 112: Zoning Map**

- A. The areas within South Buffalo Township, as assigned to each district and overlay zone, and the location of the districts and overlay zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signatures of the South Buffalo Township Board of Supervisors and attested by the Township Secretary and shall bear the seal of the Township under the following words: "We the undersigned do hereby certify this map to be the true Official Zoning Ordinance Map as enacted by the Township of South Buffalo, Armstrong County, Pennsylvania", together with the date of enactment of this Ordinance.
- C. No change of any nature can be made to the Official Zoning Map except in conformity with the procedures set forth in this Ordinance and pursuant to the *Pennsylvania Municipalities Planning Code*, Act of 1968, P.L. 805, No 247 as reenacted and amended.
- D. The Official Zoning Map, which shall be located in the Township Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- E. Any amendments legally enacted to change any district boundaries of the Official Zoning Map shall be noted on such map by ordinance number and date of enactment of the amendment. The Official Zoning Map shall be changed to reflect the amendment within thirty (30) days of enactment.

### ***Section 113: Interpretation of Zoning Map District Boundaries***

- A. The district and overlay zone boundary lines shall be as shown on the Zoning Map. At the time of passage of this Ordinance, the district and overlay zone boundary lines are intended to coincide with parcel boundary lines; centerlines of streets, alleys, railroad rights-of-way, streams, and contours when necessary; the corporate boundary of the Township; or as dimensioned on the Map.
- B. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.
- C. When the Zoning Officer cannot determine the location of a zoning district boundary by reference to the Official Zoning Map, the Zoning Officer shall refuse action; and the Zoning Hearing Board shall interpret the location of the district boundary with reference to the scale of the map, the comprehensive plan and/or the purposes set forth in all relevant provisions of this Ordinance.
- D. When a district boundary line divides a lot held in single ownership, the permitted uses are limited to those uses permitted in the zoning district in which the use is located. In instances where this provision creates an undue hardship, the Zoning Hearing Board has jurisdiction to grant such relief as deemed necessary.

### ***Section 114: Repeal***

Any resolution or ordinance, or any part of any resolution or ordinance in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.





## ARTICLE II DEFINITIONS

### ***Section 201: Applicability***

In the construction of this Ordinance and any subsequent amendment, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise:

### ***Section 202: General Rules***

- A. For the purpose of this Ordinance, the following grammatical rules apply:
- 1) Words used in the present tense include the future tense.
  - 2) The particular shall control the general.
  - 3) The singular number includes the plural and the plural number includes the singular.
  - 4) The words “shall” and “will” are mandatory.
  - 5) The words “used” and “occupied” include the words “intended, arranged, maintained, or designed to be used or occupied”.
  - 6) Words generally found in legal terminology shall be considered to have meanings in this Ordinance similar to their generally held definitions in a Court of Law.
  - 7) If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
  - 8) The masculine shall include the feminine and the neuter.
  - 9) The word “includes” or “including” shall not limit the term to the specified example; but is intended to extend its meaning to all other instances of similar kind and character.
- B. Unless otherwise expressly stated, the following words, for the purpose of this Ordinance, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

### ***Section 203: Undefined Terms, Words and Phrases***

Terms, words and phrases not defined herein, but in need of definition, shall be processed under Article I, Section 107 of this Ordinance.

### ***Section 204: Definitions***

#### **A-**

***Abandoned Vehicle:*** A motor vehicle that is physically inoperable or missing essential parts to be operable, and which does not have a current registration and/or a current inspection sticker, and which is not stored within a completely enclosed structure. This term shall not apply to a state licensed facility for vehicle sales/repair or to any vehicle or equipment used in normal farming operations.

***Abandonment:*** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee for a period of at least twelve (12) months and wherein there is no reference of intent to continue the use. Residential abandonment shall be measured from the last date of known occupancy. Commercial or industrial abandonment shall be measured from the date of the last record of sale or known occupancy.

***Abut or abutting:*** Having property lines in common.

**Access:** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**Access Aisle:** The drive within a parking lot directly abutting parking spaces and designed to provide a connection between the spaces and the public street or and access street.

**Access permit:** A permit issued by the appropriate governmental agency (either PADOT or South Buffalo Township) for the construction, maintenance, and use of a driveway or public street or highway connection to a highway (commonly referred to as a “highway occupancy permit”).

**Access street, lane, drive:** A vehicular way on private property designed to provide connection between a public street and activities within the property.

**Accessory apartment:** A dwelling unit located within the principal dwelling, which is accessory, supplementary, and secondary to the principal dwelling unit. May be constructed as an attached addition to the principal use or be occupied as an accessory to the principal use and is located within the same building as the principal dwelling unit.

**Accessory detached dwelling unit:** A dwelling unit that is accessory, supplementary, and secondary to the principal dwelling, which may be constructed as an addition to the principal structure or as an accessory to the principal structure. An accessory dwelling unit is detached from the principal dwelling.

**Accessory dwelling:** An accessory detached dwelling unit or an accessory apartment.

**Accessory building/structure:** A subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

**Accessory use:** A subordinate use, which is clearly incidental and related to that of a main structure or main use of land.

**Acre:** A measurement of land containing 43,560 square feet.

**Adaptive reuse:** The development of a new use for an older building or for a building originally designed for a special or specific purpose. Note: Adaptive reuse is a particularly useful technique for preserving older buildings of historic or architectural significance. It also applies to the conversion of other special use structures, such as gas stations, train stations, or school buildings that are no longer needed for their original use.

**Addition:** A completely new structure or new component to an existing structure.

**Adequate public facility:** A public facility or system of facilities that has sufficient available capacity to service the physical area and designated intensity and use of development at adopted specified levels of service.

**Adjacent:** Two properties, lots, or parcels are “adjacent” where they abut, or where they are separated by a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake, or other body of water.

**Adult Arcade:** See Adult Use.

**Adult Book Store:** See Adult Use.

**Adult Business:** See Adult Use.

**Adult Cabaret:** See Adult Use.

**Adult Day Care Facility:** A single-family dwelling for not more than five (5) persons (that are eighteen (18) years of age or older) at any given time, who do not require care for chronic, convalescent, medial or nursing issues,

beyond care normally provided in a home setting but require supervision due to physical and/or mental disabilities, that clearly provides for the normal care and safety of such person within the facility for periods of less than twenty-four (24) hours. The facility must be licensed by the Commonwealth of PA and conducted in accordance with PA Commonwealth requirements.

**Adult Drive-in Movie Theater:** See Adult Use.

**Adult Entertainment:** An exhibition of any adult-oriented motion picture that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, or specified anatomical areas or specified sexual activities. This also includes a live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities, exhibition and viewing of specified anatomical area, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

**Adult Live Theater:** See Adult Use.

**Adult Motel:** See Adult Use.

**Adult Motion Picture Theater:** See Adult Use.

**Adult News Stand:** See Adult Use.

**Adult Oriented Establishment:** Includes, without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstore; adult video store; adult motion picture theater; adult mini-motion picture theater; adult drive-in movie theater; adult motel; massage parlor; and any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide: booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the internet and motions picture videos available through cable, satellite or other television services on computers or equipment used in the establishment and an adult entertainment studio any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

**Adult Retail Establishment:** See Adult Use.

**Adult Retirement Community:** A planned development designed for active, older people that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation. See also *Retirement community*.

**Adult Theater:** See Adult Use.

**Adult Use:** An establishment consisting of, including, or having the characteristics of any or all of the following as described (A-K) and meeting any of the following characteristics:

- 1) More than thirty percent (30%) if the floor area is devoted to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions (not including areas not open to the public such as storerooms, stock areas, bathrooms, basements, or any other portion of the business not open to the public);
- 2) More than thirty percent (30%) of the gross sales (including rentals) result from the sale or rental of adult media instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities;

- 3) More than thirty percent (30%) of the dollar value of all merchandise displayed at any time is attributable to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities;
  - 4) More than thirty percent (30%) of all inventory consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities at any time;
  - 5) More than 30 percent (30%) of the merchandise displayed for sale consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities; or
  - 6) More than thirty percent (30%) of the stock in trade consists of such items at any time.
- A) *Adult Arcade:* An establishment to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show or display images of sexual activities and/or anatomical areas.
  - B) *Adult Book Store, News Stand, Video Store, or combination:* An establishment having more than 40 percent of its stock-in-trade, floor area, or display are used for the sale or rental of books, magazines, publications, tapes, compact discs, dvds, or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.
  - C) *Adult Cabaret:* An establishment, either with or without a liquor license, offering sexually oriented live entertainment, which may include topless and go-go dancers, strippers, or male or female impersonators.
  - D) *Adult Drive-in Movie Theater:* An outdoor movie theater attended primarily by patrons in their automobiles used for presenting material, in any form, or media distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities for observation by patrons therein.
  - E) *Adult Live Theater:* A theater, affair, hall auditorium, or similar commercial establishment which regularly features persons who appear in the state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
  - F) *Adult Motel:* A hotel, motel or similar commercial establishment which offers accommodations to the public for closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified anatomical areas and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions or, offers sleeping rooms for rent for a period of time that is less than ten hours or, allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
  - G) *Adult Motion Picture Theaters:* A building used for presenting films distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
  - H) *Adult Retail Establishment:* A business which offers for sale or rent; instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical area or any of the material sold or rented in an adult bookstore/video store, if a substantial or significant portion of such items are distinguished or



characterized by their emphasis on matter depicting, describing , or relating to specified anatomical areas or specified sexual activities. Substantial or significant portion shall be construed to meet at least one of the criteria established for adult bookstore/video store.

- I) **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- J) **Sex Shop:** Any establishment offering, for sale or rent, items from any two of the following categories: sexually oriented books, magazines, and videos; leather goods marketed or presented in a context to suggest their use for sexual activities; sexually oriented toys and novelties; or video viewing booths; or an establishment that advertises or presents itself as a sexually oriented business.
- K) **Video Viewing Booths:** Often referred to as peep shows and characterized by small private booths rented to individuals to view sexually explicit films, videos, or tapes.

**Adult Video Store:** See *Adult Use*.

**Adverse effect:** A negative change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically, architecturally, archaeologically, or culturally important.

**Advertising display:** see sign.

**Affordable housing:** Housing that is affordable to very low-income, low-income, or moderate-income persons as defined by the Department of Housing and Urban Development regulation for South Buffalo Township, Armstrong County, Pennsylvania, and is maintained for occupancy exclusively for such very low-income, low-income, or moderate-income person or persons for a period of at least 30 years, through the use of a covenant or deed restriction, by a development agreement, or by transferring an interest to a state or municipal housing agency or nonprofit housing organization.

**Affordable unit:** A designated unit of affordable housing that is sold or rented to a household of very low, low, or moderate income.

**Agriculture:** Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corncribs, silos and any other use or structure that is clearly related to an agricultural operation.

**Agricultural building:** A structure designed and constructed to house farm implements, hay, grain poultry, livestock, or other horticultural products. Such structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, packaged; nor shall it be a building or structure open year-round for use by the public. A farmer's market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

**Agricultural operation:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Air rights:** The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

**Airport:** Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes – such as buildings, structures and facilities therein. Unless indicated otherwise, airports shall include heliports and public and private airports.

**Airport hazard:** Any structure, tree, or use of land that obstructs the air space required for the flight of aircraft. The term “obstructs” includes any interference with or any situation that creates a hazard to the control of tracking and/or data acquisition in landing, taking off, or flight at any airport, or any installation or facility relating to flight and tracking and/or data acquisition of flight craft that is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

**Airport hazard area:** Any area of land or water upon which an airport hazard might be established if not prevented as provided in this appendix, and for the purposes hereof, in that area underlying or within the lateral limits of the imaginary surfaces that are within the controlled area of these regulations.

**Airport related use:** A use that supports airport operations, including, but not limited to: aircraft repair, maintenance and storage, flight instruction, and aircraft chartering.

**Alley:** A public or private right-of-way (not intended for general traffic circulation) primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Alteration:** Generally, as applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another – on or off the premises.

**Amateur radio antenna:** The arrangement of wires or metal rods used in the sending and receiving of electro-magnetic waves.

**Amateur radio station:** A radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

**Amateur radio antenna support structure:** Any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electro-magnetic waves (by Federally licensed amateur radio operators).

**Amendment:** A change in this ordinance, including addition of a new requirement, revision of existing requirements or deletion of obsolete requirements, necessitating public hearings and other approval before becoming effective.

**Americans with Disabilities Act:** 42 U.S.C. Subsection 1281 et seq., Pub. L. 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36. A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

**Amusement park:** An establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

**Amusement/Recreation center:** An establishment that is not a sexually adult-oriented business and offers recreation, entertainment, or games to the general public for a fee or charge.

**Amusement use:** A park, theater, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

**Indoor amusement center:** An entirely enclosed facility operated as an amusement/recreation center, commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theater, playhouse, indoor golf, indoor batting cages or any other similar use.

**Outdoor amusement center:** An entirely enclosed facility operated as an amusement/recreation center that may include miniature golf, batting cages, swimming pools, athletic courts, motorcycle/ATV trails, or any similar use.

**Ancillary appurtenances:** Equipment associated with a wireless communications facility, including, but not limited to, antennas, attaching devices, transmission lines, and all other equipment mounted on or associated with a wireless communications facility. Ancillary appurtenances do not include equipment enclosures.

**Ancillary restaurant:** A restaurant which is located within an industrial park or office center having a floor area of not more than three thousand (3,000) square feet, and intended primarily to serve the employees of the complex within which it is located.

**Animal feeding operation:** An animal housing facility that stables, confines, and feeds or maintains animals for a total of forty-five (45) days or more in any twelve (12) month period and where crops or vegetation are not sustained in the normal growing season over any portion of the lot or facility.

**Animal hospital:** see veterinary hospital.

**Animal kennel:** Any structure or premise in which animals are boarded, groomed, bred, or trained for commercial gain. See: kennel.

**Animal shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Antenna:** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves for telephonic, radio, or television communications. This includes omni-directional (whip) antennas, sectorized (panel) antennas, microwave dish antennas, multi-bay or single bay (frequency modulation and television), yaggy, or parabolic (dish) antennas, but does not include satellite earth stations. See also: Satellite dish antenna, wireless telecommunications tower and facilities.

**Antenna, dish:** A parabolic, spherical, or elliptical antenna intended to receive wireless communications.

**Antenna, flush-mounted:** An antenna that is attached flush to an antenna supporting structure, without the use of side-arms or other extension devices.

**Antenna, panel:** A directional antenna designed to transmit and/or receive signals in a directional pattern that is less than 360 degrees and is not a flush-mounted or dish antenna.

**Antenna supporting structure:** A vertical projection, including a foundation, designed and primarily used to support one or more antennas or that constitutes an antenna itself. This does not include stealth wireless communications facilities, but does include roof-mounted, antenna supporting structures that extend above the roof lines by more than 20 feet, or that have an overall height of greater than 50 feet. In addition, this does not include utility equipment.

**Antenna supporting structure, broadcast:** An antenna supporting structure, including replacements, that contains antennas that transmit signals for radio and television communications.

**Antenna supporting structure, replacement:** The construction of an antenna supporting structure intended to replace an antenna supporting structure in existence at the time of application.

**Antenna supporting structure, roof-mounted:** An antenna supporting structure mounted on the roof of a building that extends above the roof line by 20 feet or less and that has an overall height of 50 feet or less.

**Antenna, surface-mounted:** An antenna that is attached to the surface or façade of a building or structure other than an antenna supporting structure.

**Antenna, whip:** A cylindrical, omni-directional antenna designed to transmit and/or receive signals in a 360-degree pattern.

**Antique:** An object of art or household furnishing that was not mass produced and was characteristic of a specific period in a specific country.

**Antique Shop:** see art/craft/antique shop.

**Apartment:** see dwelling, multifamily.

**Apartment building:** see dwelling, multifamily.

**Appeal:** A plea to a higher body on the part of a person who contends he/she has been aggrieved as the result of a decision of a lower board, commission, or individual charged with making the decision he is contending.

**Applicant:** The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

**Application:** Any application for a development order or a development approval.

**Approach departure path:** A path for flight in a plane leading outward and upward from the end of the take-off and landing area, under which adequate areas are located to permit a safe landing in the event of a malfunction.

**Appurtenance:** Any accessory or ancillary building, object, structure, fence, street furniture, fixture, vending machine, fountain, public artwork, or bicycle rack located on the grounds of an historic landmark, in an historic district, on public property, or in the public right-of-way.

**Aquarium:** A building where collections of fish, live water plants, and marine animals are exhibited.

**Archaeology:** The science or study of the material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Archaeological Resources Protection Act of 1979, as amended.

**Archery range:** An outdoor facility, which may include buildings or structures, used for target practice with bows and arrows.

**Architect:** An individual registered by the Commonwealth of Pennsylvania as a licensed architect.

**Area:** Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

**Area of benefit:** An area of land that is designated by the planning commission as receiving benefits from or creating the need for the construction, acquisition, or improvement of a public facilities project.

**Area of flood inundation:** Sites that are subject to flooding as a result of water ponding in the controlled storage areas of dams and detention and retention ponds.

**Area plan:** A plan that provides specific planning and design procedures for a defined geographic area.

**Area-related facility:** A capital improvement that is designated in the capital improvements program as serving new development and that is not a site-related facility. May include land dedication or construction of an oversized capital improvement, whether located off site or within or on the perimeter of the development site.

**Arena:** A completely enclosed structure with fixed seating for not more than 20,000 persons which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private entity, agency, authority, organization or corporation.

**Art/Craft/Antique Shop:** A retail establishment specializing in the sale of handmade, primitive, historical, and/or cultural items and artifacts.

**Art center:** A structure or complex of structures for the visual and/or performing arts.

**Arterial street:** see street.

**Assisted living facility:** A facility designed to provide individual dwelling units for elderly person who are independently mobile and are not in need of the level of service provided by a personal care home, which provides onsite supervision and assistance available to resident on occasional , as needed basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

**Auction house:** A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

**Automated teller machine (ATM):** An automated device that performs banking, financial functions at a location that may be separate from the controlling financial institution.

**Automobile:** A self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than seven (7) passengers and is licensed by the appropriated state agency as a passenger vehicle.

**Automobile auction:** A facility that auctions motor vehicles to automobile dealers and not to the general public.

**Automobile dealership:** See automobile sales.

**Automobile repair service/garage:** An establishment primarily engaged in furnishing automotive repair, rental, maintenance, leasing, and parking services to the general public.

**Automobile sales:** The use of any building, land area, or other premise principally for the display, sale, rental or lease of new or used automobiles (but may include light trucks or vans, trailers, or recreation vehicles), and including vehicle preparation, warranty, or repair work conducted as an accessory use.



**Automobile service station:** Any building, land area, or other premises, or portion thereof, used for the rental dispensing or sales of vehicular fuels; service and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**Automobile salvage:** The dismantling or wrecking of used motor vehicles, trucks, trailers, farm equipment or mobile homes, or the storage, sale or dumping of dismantled or partially dismantled, obsolete, or wrecked vehicles or their parts.

**Automobile storage:** See automobile repair services/garage.

**Automobile wrecking yard:** An establishment that cuts-up, compresses, or otherwise disposes of motor vehicles.

**Average density:** See cluster zoning.

**Aviary:** A place for the keeping of birds for the purpose of raising, exhibiting, or selling.

## **B-**

**Bakery:** An establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

**Balcony:** A cantilevered platform that projects from the wall of a building above the first level and is surrounded by a rail, balustrade, or parapet that does not extend more than 42 inches above the platform surface.

**Balustrade:** A rail or row of posts that support the rail, as along the edge of a staircase.

**Bar:** see Tavern.

**Barber Shop/Beauty Salon:** An establishment where one or more persons engage in the practice of barbering or cosmetology including, but not limited to, shampooing, cutting, and dressing hair, or other beauty treatments such as facials, and manicures.

**Base density:** The total permitted dwelling units computed by dividing the minimum lot size by the gross acreage for conventional subdivisions, or the maximum density applied to gross acreage for conservation subdivisions.

**Base flood:** The flood having a 1 percent chance of being equaled or exceeded in any given year (also called "100-year frequency flood").

**Base flood elevation:** The elevation for which there is a 1 percent chance in a given year that flood levels will equal or exceed it.

**Basement:** A story partly below ground and having forty (40%) percent or more of its height below the average level of the adjoining ground.

**Bathhouse:** An establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed but no specified sexual activity occurs. This term shall be deemed included within adult-oriented establishments.

**Beauty Salon:** see barbershop/beauty salon.

**Bed and Breakfast:** A specialized lodging house, having predominantly the character of a single-family residence, where rooms are provided for overnight transient guests, and where meals may be served in conjunction with the accommodation.

**Best management practices:** An effective integration of stormwater management systems, with appropriate combinations of landscape conservation, enhancement, structural controls, impervious cover, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that provide an optimum way to convey, store, and release run-off, in order to reduce peak discharge, remove pollutants, and enhance the environment.

**Bicycle facility:** Any bicycle path, bicycle trail, bicycle lane, or bicycle route.

**Bicycle lane:** A designated portion of a street pavement for the exclusive use of bicycles. Bicycle signs and pavement markings designate the presence and limits of a bicycle lane.

**Bicycle path:** A designated paved travel-way intended for bicycle use, to the exclusion of routine motor vehicle use.

Typically used by two-way bicycle traffic.

**Bicycle route:** A street that is used by motor vehicles and is designated by the presence of specific bicycle route signing, for use by bicycles.

**Bicycle trail:** See *bicycle path*.

**Billboard:** An off-premise sign, which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located, through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

**Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of local governments.

**Boarding house/home:** A building other than a hotel where lodging is provided for definite periods for compensation pursuant to previous arrangements.

**Boarding stable:** A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises may receive compensation.

**Board of Supervisors:** The Board of Supervisors of the Township of South Buffalo.

**Boat/Marine Sales and/ or Service:** Any building or lot used for the maintenance, servicing, repair or painting of boats or other related water craft.

**Boathouse:** An enclosed or partially enclosed structure designed for the use and storage of private watercraft.

**Boatyard:** See Marina.

**Bond:** Any form of a surety bond in an amount and form satisfactory to the Township's solicitor. All bonds shall be approved by the Township's Solicitor whenever a bond is required by these regulations.

**Bottle club:** An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or

malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principle intended use.

**Boundary street:** A public street that is adjacent to and that abuts one or more sides of the proposed site.

**Broken-back curve:** A curve consisting of two curves in the same direction joined by a short tangent.

**Breeding farm:** An agricultural establishment where animals are impregnated either naturally or by artificial insemination and whose principal purpose is to propagate the species.

**Brew pub:** A restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.

**Broadcasting studio:** Any radio and television premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

**Buffer area:** A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other ground cover material and within which no structure or building is permitted except a wall or fence.

**Buffer yard:** The required installation of landscaping and screening materials between zoning districts and certain uses.

**Building:** A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not they are permanent in nature. Without limiting the generality of the foregoing, the following shall be considered a "building": a house, a barn, a church, a hotel, a warehouse, or a similar structure, or an historically related complex, such as a courthouse and a jail or a house and a barn.

**Accessory:** A subordinate structure on the same lot as the principal or main building or use.

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

**Building elevation:** The view of any building or other structure from any one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

**Building footprint:** The horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

**Building inspector or building official:** See Zoning officer.

**Building materials facility/Lumberyard:** A facility for the sale of home supplies, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials either within or outside of an enclosed structure.

**Building permit:** A document attesting that a proposal for construction meets all requirements of this Ordinance and other applicable requirements relative to development and allowing such proposed construction to commence.

**Building setback line:** An established line within a property defining the minimum required distance between the face of any structure to be erected, and an adjacent right-of-way, or street line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines.

**Building site:** The lot or portion of a lot that is designated on the development approval application and any existing buildings and appurtenant parking on the lot.

**Bulk plant:** A facility where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and which are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. See *terminal*.

**Bus/other transit shelter:** A roofed structure with at least three walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.

**Bus/Other transit vehicle storage and maintenance:**

**Business:** See *school, business, or commercial trade*.

**Business park:** A master planned development with a common theme and name intended to be used primarily for office, showroom, service, warehouse, and/or distribution purposes.

**Business services:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, and photo finishing.

**Busway:** A bus route, as designated in the major thoroughfare plan, with an existing or projected peak-hour headway not exceeding 26 minutes.

**BYOB club:** Any facility operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board wherein patrons may consume alcoholic liquors, alcohol or malt or brewed beverages which said patrons have carried or brought into the premises. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principle intended use.

## **C-**

**Cafeteria:** see *Restaurant*.

**Caliper:** The minimum diameter of a tree measured 6 inches above the ground for trees up to and including 4 inches in diameter, and 12 inches above the ground for trees having a larger diameter.

**Canopy:** Any structural protective cover that is not enclosed on any of its four sides and is provided for a service area designated for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades, and similar products.

**Canopy tree:** Either a medium or large deciduous tree with a mature height of more than 25 feet at maturity.

**Camp:** see *Campground*.

**Campground:** A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for two (2) or more seasonal, recreational, and temporary living purposes in cabins, tents or recreation equipment/vehicles open to the public for free or for a fee.

**Capacity:** The maximum demand that can be accommodated by a public facility or service without exceeding the adopted level of service (LOS). For streets, “capacity” shall be measured by the maximum number of vehicles that can be accommodated by an intersection or street link, during a time period specified.

**Capital improvement:** A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of South Buffalo Township.

**Capital improvements budget:** The list of recommended capital improvements to be constructed during the forthcoming five-year period.

**Capital improvements plan:** A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs that are attributable to serving new development or resolving existing infrastructure deficiencies within designated service areas for such public facilities over a period of specified years (e.g., 10 to 20).

**Carpport:** Space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

**Carnival:** A temporary traveling commercial exhibition that includes amusement activities, including but not limited to amusement rides, menageries, animal show, exhibitions, games and/or food and beverage stands which are open to the public for admission to which a fee is charged. Amusement ride means a mechanical device that carries passengers along, under, around, through or over a fixed course, or within a limited area, for the amusement of the passengers, and includes but is not limited to a merry-go-round or Ferris wheel.

**Carrying capacity:** A measure to determine environmental infrastructure or fiscal criteria upon which to ground developmental approval. Refers to the extent to which land in its natural or current state can be developed without degrading the environment’s infrastructure, level of service, or fiscal impact.

**Car wash, automatic:** A structure where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

**Car wash, self-service:** A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

**Casino:** A room or rooms in which legal gambling is conducted.

**Catering business:** An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

**Cellular Tower Site: see Tower site**

**Cemetery:** Any site containing at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and nonperpetual care cemeteries.

**Centerline (waterway):** The centerline of the waterway refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by the “low flow line” whenever possible; otherwise, it shall be determined by the centerline of the two-year floodplain.

**Central sewer system:** A community sewer system, including collection and treatment facilities.

**Central water system:** A private water company formed by a developer to serve new subdivisions in an outlying area (includes water treatment and distribution facilities).

**Certificate of occupancy:** A certificate indicating that the premises comply with all the provisions of this Ordinance and all other applicable ordinances. (Note: The certificate of occupancy is issued after approval of a development approval and construction has occurred pursuant to the development approval.)

**Certify:** Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the Township Board of Supervisors may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

**Child care facility:** A facility that provides care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

**Church:** Any place of worship, including any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship. The term "church" does not include uses, such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories, or other facilities, for temporary or permanent residences, which are connected or related to the church or the principal buildings on the site, or are located on the same site, even if the curriculum or services offered as part of such use includes religious services and/or training.

**Circus:** A temporary traveling show or exhibition that has no permanent structure or installation, typically presented in one or more tents or in an outdoor or indoor arena, which entertains the public by the provision of performances such as feats of skill or daring by humans or animals, displays of pageantry, amusement rides, exhibitions, games, and/or food and beverage stands.

**Civic uses:** Any of the following uses, as defined in the use tables and which uses are found to provide focal points for community interaction and foster citizen participation in civic activities: churches, temples, synagogues, mosques, and other religious facilities; clubs or lodges; college or university facilities; day care centers; exhibitions and art galleries; grade schools; library buildings; meeting halls or clubhouses; movie theaters; museum, exhibition, or similar facilities; performance theaters; postal; public administration; school or university buildings; and trade or specialty school facilities.

**Clear vision area:** The triangular area adjacent to the intersection of any street within which no obstruction may be placed that blocks the sight lines for vehicular traffic.

**Clinic:** An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and/or social services on an outpatient basis.

**Close:** A front space for a building's interior to the block that includes a roadway loop around a green area. An alternative to the cul-de-sac, as the focus is a greenspace rather than vehicular paving and provides additional frontage for deep squares and organic blocks.

**Club:** A group of people organized for a common purpose to pursue common goals, interests, or activities. Usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution, and by-laws.

**Clubhouse:** A building and related facilities used by a club, fraternal organization, or a membership organization.

**Cluster:** A group of cultural, historical, architectural, or archaeological resources with compatible buildings, objects, or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency, and association.

**Cluster zoning:** A zoning technique where the maximum number of dwelling units on a site is determined by density levels instead of minimum lot size.

**Collector street/road:** See *street/road, collector*.

**College/university:** An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

**Co-location:** A situation in which two or more providers place an antenna on a common antenna supporting structure, or the addition or replacement of antennas on an existing structure. Includes combined antennas but does not include roof- or surface-mounted wireless communications facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.

**Coliseum:** A large enclosed and roofed structure used for spectator sports, exhibitions, and cultural events.

**Combined antenna:** An antenna designed and utilized to provide services by more than one provider.

**Commercial driveway approach:** A driveway that provides access to property on which an office, retail, or industrial use is located; a building having more than five dwelling units that is located on any driveway approach that accesses property primarily used for a nonresidential purpose.

**Commercial/industrial developments:** Any land area zoned or devoted primarily to commercial or industrial use, including areas zoned as “O” (Office), “CG” (Commercial General), “IL” (Industrial Light), or “IH” (Industrial Heavy).

**Commercial living unit:** A building that includes commercial uses on the first floor and residential dwelling units above the first floor.

**Commercial property:** A building, site, or structure whose use after rehabilitation or restoration (for ad valorem tax exemption) will be for other than residential use (i.e., for a single-family, duplex, or a three- or four-family dwelling).

**Commercial recreation establishment:** Includes a billiard or pool hall, bowling alley, dance hall, theatre or cinema, and the like, provided that all activities are within an enclosed building, and for which there is a charge, assessment, dues or rent. Commercial outdoor swimming pools are also included in this category.

**Commercial trade:** See *school, business, or commercial trade*.

**Commercial urban design standards:** See § 5.13.6 Civic Buildings in Chapter 5, Development Standards, of the **LDC**.

**Committed development:** A proposed development that has received final subdivision plat approval or, for a proposed development that does not involve the subdivision of land, an approved master site plan or minor site plan.

**Common area:** A parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities and complimentary structures and improvements, including, but not limited to, areas for vehicular and pedestrian access and recreational facilities within the site.

**Comment element:** That portion of condominium property that lies outside all owners’ units and is owned, maintained, and operated by the condominium association.



**Common ownership:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, associate, or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Common worker:** An individual who performs labor involving physical tasks that do not require a particular skill; training in a particular occupation, craft, or trade; or practical knowledge of the principles or processes of an art, science, craft, or trade.

**Communication antenna:** Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

**Communications co-location:** The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

**Communications equipment/building:** An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

**Communications tower:** A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers cellular telephone, fixed point microwave, low power television, or AM radio, including assessor equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

**Community shelter:** A structure or area used for fraternal, social, cultural, and/or recreational programs generally open to the public and designed to serve significant segments of the local community.

**Community improvement district:** See *public facility service area*.

**Completely enclosed structure:** See *structure, completely enclosed*.

**Comprehensive plan:** The adopted public document for South Buffalo Township, Armstrong County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the East Franklin Township and South Buffalo Township Joint Comprehensive Plan.

**Concentrated animal operation (CAO):** An operation owned or managed by a farmer with more than two animal equivalent units per acre of land suitable and available for manure application on an annualized basis. These operations must have and implement an approved nutrient management plan that has been submitted to and reviewed by the Armstrong Conservation District

**Concentrated animal feeding operation (CAFO):** An operation that is (1) any livestock or poultry facility with more than one thousand animal equivalent units; 2) an operation with three hundred and one to one thousand animal equivalent units that are CAOs; or 3) any other agricultural operation with a discharge to surface waters. CAFOs fall under the authority of the Federal Clean Streams Act and the National Pollutant Discharge Elimination System regulations and must have and implement Nutrient Management Plans and Erosion and Sedimentation Control plans as submitted to and reviewed by the Armstrong Conservation District.

**Concurrency:** A requirement that development applications demonstrate in which adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units. See *adequate public facility*.

**Conditional Letter of Map Revision:** Will be submitted for Federal Emergency Management Agency approval for all proposed physical changes to the floodplain that will result in a change to the floodplain boundary.

**Condominium:** A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants, conditions, and restrictions placing control over the common facilities owned by the condominium. Condominium shall mean a condominium, cooperative, trust, partnership, or other similar association.

**Conference center/facility:** A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.

**Conservation easement:** A nonpossessory interest of a holder in real property that imposes limitations or affirmative obligations designed to: retain or protect natural, scenic, or open space values of real property or assure its availability for agricultural, forest, recreational, or open space use; protect natural resources; maintain or enhance air or water quality; or preserve the historical, architectural, archeological, or cultural aspects of real property.

**Construction business:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

**Construction drawings:** The maps or drawings and engineering specifications accompanying a final plat or final site plan and showing the specific location and design of public and private improvements to be completed as a condition of a development order.

**Construction plan:** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of the approval of the plat.

**Construction trailer:** A temporary box or mobile trailer used at a construction site where a residential or commercial building is being undertaken, and wherein the temporary box or mobile trailer is utilized for storage, occupancy, or warehousing purposes.

**Construction storage yard:** A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

**Contiguous:** Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

**Contractor:** Any person doing work within the building trades or construction professions, either licensed or unlicensed.

**Control joint:** A continuous groove or vertical joint in a masonry wall or concrete slab that is designed to control cracking.

**Controlled area, airport:** That area within which the airport overlay zone regulations are effective, and which includes all airport hazard areas that are within the corporate limits of the South Buffalo Township which is within a rectangle bounded by lines located 1.5 statute miles (7,920 feet) from the centerline and lines located 5 statute miles (25,400 feet) from each end of the paved surfaces of each of the runways.

**Continuing care facility:** A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings under common or related ownership, located on a single lot or on contiguous lots, without reference to contiguous streets, containing two or more of the following services assisted living facility; home and community based services facility; housing for the elderly; independent living facility; nursing home; personal care facility; personal support services for a continuing care facility skilled nursing facility.

**Convalescent home/center:** A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization. See also: skilled nursing facility and intermediate care facility.

**Convenience Center (retail) store:** Retail, not exceeding three thousand (3,000) square feet in area, selling only groceries, canned goods, newspapers, milk and similar convenience items.

**Copying/Printing Service:** An establishment that provides copying, printing, typesetting and related clerical services and/or the retail sales of supplies used for copying and printing. This does not include commercial publishing or printing businesses or retail sales of copy machines.

**Cooperative:** An entire project that is under the common ownership of a board of directors with units leased and stock sold to individual cooperators.

**Correctional facility:** A publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State, or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

**Cottage/Cottage Development:** See camp, campground

**Country club:** A recreational facility, usually restricted to members and their guests, which generally includes a clubhouse, dining and eating establishments, and recreational facility such as golf course(s), tennis courts, and swimming pools.

**Country inn:** An establishment that contains not more than twenty guest bedrooms in which lodging, not to exceed fourteen (14) consecutive days, is provided for compensation and where breakfast and other meals for lodgers may also be provided and wherein restaurant facilities may also be open to the public.

**County:** Armstrong County, Pennsylvania.

**Courtyard:** A space, open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by the walls of a building.

**Craft Shop: see art/craft/antique shop.**

**Craftsman:** A practitioner of a trade or handicraft, generally recognized by critics and peers as a professional of serious intent and recognized ability, who produces artwork.

**Credit:** The amount of the reduction of an impact fee, fees, rates, assessments, charges, or other monetary exaction for the same type of capital improvement for which the monetary exaction has been required.

**Crematorium:** An establishment containing a crematory furnace for reducing dead bodies, either animal or human, to ashes by burning.

**Critical area:** Any natural resource or environmentally sensitive area.

**Critical root zone:** A circular region measured outward from a tree trunk, representing the essential area of the roots that must be maintained for the tree's survival; 1 foot of radial distance for every inch of tree diameter breast height with a minimum of 8 feet.

**Crosswalk:** That part of a street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street (public, private, or safety lane) measured from the curbs, in the absence of curbs from the edges of the traversable roadway; any portion of a street (public, private, or safety lane) at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the street surfaces.

**Crown:** The upper mass or head of a tree, shrub, or vine, including branches with foliage.

**Cul-de-sac:** A local street with only one outlet that terminates in a vehicular turnaround, having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Cultural facility:** Establishments, such as museums, art galleries, botanical and zoological gardens, and other facilities of an historic, an educational, or a cultural interest.

**Cultural resources:** Those resources that possess qualities of significance in American, state, or city history, architecture, archaeology, and culture present in districts, sites, structures, and objects that possess integrity of location, design, setting, materials, workmanship, congruency, and association.

**Cumulative impact:** The impact of a series of development projects taken together to measure the joint and several impacts on the level of service and capacity of a public facility.

**Curtain wall:** An exterior building wall that carries no roof or floor loads, and consists entirely or principally of metal or a combination of metal, glass, and other surfacing materials supported by a metal frame. A curtain wall that consists of glass has the appearance and function of a solid wall.

**Cut-off angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

## **D-**

**Day care center:** A child care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

**Deciduous:** Plants that lose their leaves annually.

**Deciduous tree:** A tree that sheds or loses foliage at the end of the growing season.

**Deck:** A platform extending horizontally from the rear or side yard of the structure, located to the rear of the front building line of the lot and not within the front yard.

**Dedication:** The transfer of fee simple title to, or grant of an easement over lands and improvements from, property to the South Buffalo Township Board of Supervisors subject to the conditions of a development order requiring such transfer and acceptance by the South Buffalo Township Board of Supervisors of such transfer.

**Deep Well Gas Well:** see *Natural Gas Well Drilling*

**Degradation:** Pollution of a representative sample of water that unreasonably reduces the quality of such water. The quality of a representative sample of water is unreasonably reduced when such water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

**Demolition:** Any act or process that destroys or razes in whole or in part, or permanently impairs the structural integrity, or allows deterioration by neglect of a building or structure, wherever located, or a building, object, site, or structure, including interior spaces, located within an historic district, on public property, or on the public right-of-way.

**Demolition business:** A business that demolishes structures, including houses and other buildings, in order to salvage building materials, and that stores those materials before disposing of them.

**Density:** An objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

**Density, gross:** The number of dwelling units divided by the total land area subject to an application for development approval, stated as dwelling units per acre.

**Density, maximum:** The maximum number of dwelling units that may be constructed where indicated in this appendix, stated as gross density unless otherwise indicated.

**Density, minimum:** The minimum number of dwelling units that must be constructed where indicated in this appendix, stated as gross density unless otherwise indicated.

**Density, net:** The number of dwelling units divided by the net developable area. The “net developable area” means the land area of the site after deducting unbuildable areas, including road rights-of-way, open space, and environmentally sensitive areas, stated as dwelling units per net acre.

**Derrick:** Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

**Design consideration/criteria:** Guidelines and standards specifically set forth in this Ordinance as adopted by the South Buffalo Township Board of Supervisors, which preserve the environmental, historical, architectural, archaeological, or cultural character of an area or of a building, object, site, or structure.

**Design enhancements:** Uniquely crafted and decorative artwork in a variety of media that are an integral part of eligible capital improvement projects, and are produced by professional craftspeople, or craftspeople in collaboration with an architect, landscape architect, or professional engineer. Works shall be permanent, functional, or nonfunctional.

**Designer:** The person or entity responsible for preparing site plans, subdivision plats, or building elevations that are part of an application.

**Destination resort:** Lodging accommodations and complementary recreational or entertainment facilities that are comprehensively planned and integrated in order to provide a variety of activities, services, and amenities that comprise a visitor attraction in and of themselves.

**Detached structure:** A structure having no party wall or common wall with another structure unless it is an accessory structure.

**Detention:** The temporary storage of stormwater run-off, which is used to control the peak discharge rates, and which provides gravity settling of pollutants.

**Detention facility:** A facility that provides temporary storage of stormwater run-off and controlled release of this run-off.

**Detention time:** The amount of time a parcel of water is actually present in a stormwater basin. Theoretical detention time for a run-off event is the average time a parcel of water resides in the basin over the period of release from the best management practice.

**Dentist Office:** see professional office

**Developer:** A land owner, holder of an agreement to purchase land, lessee, an individual, firm, association, partnership, trust, company, or corporation or other person having a proprietary interest in land or the heirs, successors, or assigns of such person who has filed an application for the use, improvement or development of any parcel or structure under this Ordinance.

**Development:** Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, diking, berming, excavation, drilling operations, or storage of equipment or materials.

**Development agreement:** Agreement between South Buffalo Township and a developer regarding the development and use of a property through which South Buffalo Township agrees to vest development use or intensity, or refrain from interfering with subsequent phases of development through new legislation, in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

**Development approval:** Any authorized action by an officer or agency of South Buffalo Township that approves, conditions, or denies a development of a parcel, tract, building, or structure, including any of the following: master site plan; zoning map amendment; concept plan; conditional zoning; conditional use permit; grading or other permit; certificate of occupancy; subdivision plat; certificate of appropriateness; site plan; sketch plan; landscape plan; tree preservation development approval; variance; appeal; and development plan

**Development plan:** A proposal for development approval, including such drawings, documents, and other information necessary to illustrate completely the proposed development and shall specifically include such information as required by this Ordinance.

**Development order:** The official ordinance, resolution, or decision of an officer or agency of South Buffalo Township with respect to the granting, granting with conditions, or denial of a development application.

**Development standards:** Standards and technical specifications for improvements to land required for development approval, including specifications for the placement, dimension, composition, and capacity of: streets and roadways; sidewalks and pedestrian and bicycle paths; signage for traffic control and other governmental purposes, including street name signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets, pedestrian, and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewer facilities, mains, and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land, and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreational facilities, and playgrounds; public elementary and secondary school sites; and storm drainage culvert facilities, including drains, conduits, and ditches.

**Disabled person:** A person who has a physical or mental impairment, or both, that substantially limits one or more major life activities, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

**Discontinuance:** See *abandonment*.

**Discretionary decision:** Any development approval in which an official or official body of South Buffalo Township exercises legislative, administrative, or quasi-judicial authority involving the exercise of discretion and which is subject to a public hearing.

**District:** A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, or structures united by past events or aesthetically by plan or physical development, which may also comprise individual elements separated geographically but thematically linked by association or history.

**Doctor's office:** see professional office.

**Dog Kennel:** A building or structure, cage or pen used for the purpose of breeding, boarding or selling or raising dogs as a commercial or professional business connected thereof.

**Dormitory:** A building or structure used as a group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

**Drainage system:** All streets, gutters, inlets, swales, storm sewers, channels, streams, or other pathways, either naturally occurring or man-made, which carry and convey stormwater during rainfall events.

**Drilling pad:** The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

**Drip line:** A vertical line of a tree canopy or shrub branch extending from the outermost edge to the ground.

**Drive-in restaurant:** A fast food restaurant characterized by a limited menu and primarily catering to drive-in traffic.

**Drive-in theater:** see *theater*.

**Drive-through use:** An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, to obtain goods, or to be entertained while remaining in their motor vehicles.

**Driveway:** Entrance to and exit from premises where it is possible to park completely off the street, and which is not open for vehicular traffic except by permission of the owner of such private property.

**Driveway approach:** A way or place, including paving and curb returns, between the street travel lanes and private property, which provides vehicular access between the roadway and such private property.

**Driveway, front-loaded:** A driveway that begins at, or abuts, the front property line of a lot or parcel.

**Drycleaner:** An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric.

**Dump:** A land site primarily used for disposal by dumping, burial, burning, or other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

**Duplex:** See *dwelling, two-family (duplex)*.



**Dwelling:** A building or portion thereof, which is designed for or occupied in whole or in part for residential use on a permanent basis, having one or more dwelling units, but not including motels, boarding houses, continuing care facilities, personal care homes, intermediate care facilities, skilled nursing facilities, or assisted living facilities.

**One family dwelling (also known as single family dwelling):** A building designed for or occupied exclusively by one (1) family and containing not more than one (1) dwelling unit.

**Apartment:** A room or suite of rooms in a single-story or multi-story, multi-family dwelling, which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities permanently installed.

**Carriage house:** An apartment consisting of not more than six hundred (600) square feet and sharing utility connections with a principle building. A carriage house may or may not be within an outbuilding which is an ancillary building usually located toward the rear of the same lot as the principle building.

**In-law apartment:** A small apartment accessory to a larger house frequently used to accommodate an elderly relative not capable of living on their own, but not ready for a nursing home environment or other similar facility, which may or may not have an entrance to the main house and may be located above the garage of the main house or as a separate building in the rear yard. These are also know as granny flats, in-law suites, and accessory apartments.

**Rowhouse/Townhouse:** A dwelling or building, designed for or occupied by three or more families living independently of each other, divided by party walls into distinct and non-communicating units. Buildings shall not exceed three stories in height. Each dwelling unit shall have direct access to the outdoors.

**Single-family detached:** A dwelling used by one family, having one side yard and one party wall common with another dwelling.

**Single-family, semi-detached:** A dwelling used by one family, having one side yard and one party wall common with another dwelling.

**Seasonal:** A dwelling unit that is not used as a principle residence and may be occupied weekends and for brief periods during the year.

**Two-family dwelling:** A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances and no internal connection between the two dwelling units. A single-family semi-detached dwelling is also a two-family dwelling.

**Duplex:** A detached building containing two dwelling units, one above the other, each having a separate entrance.

**Two-family semi-detached:** A building designed for or occupied exclusively by two families living independently of each other having one party wall or ceiling/floor common with another dwelling, with separate dwelling unit entrances and no internal connection between the two dwelling units.

**Multi-family dwelling:** A dwelling or group of dwellings on one plot or lot not exceeding three stories, containing separate living units as dwelling units for three or more families provided for direct or indirect access to the outdoor, but which may have joint services or facilities, or both.

**Apartment building:** A multi-family dwelling with direct access from the outside or through a common hall, and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.

**Condominium:** A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants, conditions, and restrictions placing control over the common facilities owned by the condominium. Condominium shall mean a condominium, cooperative, trust, partnership, or other similar association.

**Garden Apartment:** A grouping of one or more buildings, each containing not more than eight dwelling units per building, of which the principle feature of the development plan is composed of a building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use as a dwelling, and which conforms to the standards and requirements of this chapter.

**High-rise:** An apartment building of eight (8) or more stories.

**Multi-story multi-family dwelling:** A multi-family dwelling of four or more floors where individual dwelling units do not have direct access to the outdoors, as opposed to townhouse dwellings.

**Quadra-plex:** A building containing four (4) dwellings, each sharing two common party walls and forming the corner of a square.

**Townhouse:** Three (3) or more dwelling units, each accommodating one family, which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit.

**Transitional dwelling:** A dwelling unit occupied by persons adjusting from institutional living to living without supervision and managed by a public or semi-public agency or recognized board responsible for the occupants' care and safety. Such dwellings are utilized by organizations administering programs for foster-placed individuals, for persons recovering from addictions, for those physically or mentally incapacitated at a level not requiring constant care or supervision or those at an intermediate living state between prison or other institution and the community.

**Dwelling, attached:** Two or more dwelling units with common walls between the units.

**Dwelling unit:** A room or rooms within a building structure, constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy, or for rental, lease, or other occupancy on a weekly or longer basis, that is physically separated from any other living spaces for other one (1) family occupants, and that contain independent bathrooms, cooking and sleeping facilities.

## **E-**

**Earth change:** Excavating, grading, regrading, landfilling, berming, or diking of land.

**Easement:** Authorization by a property owner for another to use the owner's property for a specified purpose.

**Easement, utility:** An easement granted for installing and maintaining utilities across, over, or under land, together with the right to enter the land with machinery and other vehicles necessary for the maintenance of utilities.

**Easement, vehicular nonaccess:** An easement established on a lot for the purpose of prohibiting ingress and egress to vehicular traffic.

**Economic return:** A profit or capital appreciation from the use or ownership of a building, object, site, or structure that accrues from investment or labor.

**Education institution:** A structure, or part of a structure, designed and used for the training and teaching of children, youths and/or adults, including laboratories appurtenant thereto. This definition includes the following types of schools:

**Business/Trade School:** A facility that is clearly primarily intended for education of a work related skill or craft or hobby and that does not primarily provide state-required education.

**Primary or Secondary school:** An educational institution licensed by, and meeting the requirements of, the Pennsylvania Department of Education that primarily provide education for students in kindergarten through twelfth grade. This definition does not include any privately operated schools of trade, vocations, avocations or business.

**Post-secondary school:** A non-compulsory educational institution that typically includes colleges and universities.

**Private school:** Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

**Effect:** A change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important.

**Elevated building:** A nonbasement building built, in the case of a building in Federal Emergency Management Agency Zones A 1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zone V 1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A 1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zone V 1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**Emergency, utility-related:** A break or leak in an underground utility line or a disruption in a utility service.

**Emergency vehicle:** A vehicle of the police or fire departments or ambulances, and vehicles conveying an airport official or airport employee in response to any emergency call.

**Employment agency:** An establishment whose business is to find jobs for people seeking them or to find people to fill jobs that are open.

**Enclosure ratio:** The ratio of building height to the distance between buildings facing across a street. The distance between buildings shall be measured from the front façade, including any porch, stoop, or other area integral to the building.

**Engineer:** See *professional engineer*.

**Environmental impact assessment:** A process to examine the adverse on- and off-site environmental impacts to the ecosystem by a development project.

**Equestrian facility:** A horse, donkey and mule facility including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to the above uses.

**Equipment enclosure:** An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communications signals, but not primarily to store equipment or to use as a habitable space.

**Equipment rental/repair:** A business providing typical household tools and lawn/garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licenses for street use.

**Equivalent dwelling unit:** The service unit used that is equal to 750 gallons per day of peak wastewater flow and 300 gallons per day of average wastewater flow. For purposes of applying parks and open space requirements to nonresidential uses, equivalent dwelling units shall be measured as described in Table A-1.

**Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**Escrow:** A deposit of cash with the Township Board of Supervisors or escrow agent to secure the promise to perform some act.

**Essential Services:** Facilities and structures, which are essential for the provision or transmission to the public of utilities and related services such as sewerage, water, electric and telephone.

**Estoppel:** See *vested rights*.

**Evergreen:** Plants that retain their foliage throughout the year.

**Evergreen screen:** A dense vegetative screen that grows over 20 feet high at maturity and retains foliage year round; used for purposes of visual mitigation between zoning districts.

**Evergreen tree:** A tree that holds green leaves, either broadleaf or needle-shaped, throughout the year.

**Exaction:** The requirement for development to dedicate a portion of land or a payment in lieu of land or facilities costs of public facilities as a condition of a development order.

**Existing structure:** A structure that is built and completed as of the effective date of this code.

**Expenditure:** A sum of money paid out in return for some benefit or to fulfill some obligation. Includes binding contractual commitments, whether by development agreement or otherwise, to make future expenditures as well as any other substantial change in position.

**Exotic, Wild or Dangerous Animal:** Any animal which, because of its size, vicious nature, poisonous bite or sting, or other characteristic(s), would constitute a danger to human life or property if not kept or maintained under the immediate control of the owner. Exotic, wild or dangerous animals include, but are not limited to: any cat other than the *Felis Catus* (domestic cat); any nonhuman primate; any wolf, coyote, or other canine not of the species *Canis Familiaris* (domestic dog); any shark, dogfish, or similar carnivorous fish; and piranha fish; any poisonous reptile or amphibian; any crocodilian or lizard whose average adult length is greater than two (2) feet; any snake whose average adult length is greater than six (6) feet; any snapping turtle; any bat and skunk, weasel, badger, fox, mammals of the raccoon family or wolverine; and boar or wild pig; and bear; any kangaroo; any eagle, hawk, buzzard or similar predatory bird; and any poisonous or stinging insect or arachnid.

**Extended care facility:** A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution. See: Long-term care facility.

**External buffer:** A naturally vegetated area or a vegetated area along the exterior boundaries of an entire development processed in accordance with a multiphase or phased subdivision application, which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

## **F-**

**Fabrication:** The manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal ores, lumber, or rubber. Relates to assembling, stamping, cutting, or otherwise shaping the processed materials into useful objects.

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

**Factory:** A building in which raw material and semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.

**Fairground:** An area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animals shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

**Fair share:** A properly balanced and well-ordered plan to meet the housing needs of the community and the region.

**Family:** A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit. For purposes of this ordinance, “family” does not include any society club, fraternity, sorority, association, lodge, federation, or like organizations or any group of individuals who are in a group living arrangement as a result of criminal offenses.

**Family day care facility:** A facility providing shelter, counseling, and other rehabilitation services in a family-like environment for four (4) to six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be license and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

**Family entertainment center:** See amusement use.

**Farm:** any parcel of land which is gainfully used in the production of agricultural, horticultural, arboricultural, viticulture, and dairy products; and animal husbandry including the keeping of livestock, poultry and bee raising, including necessary farm structures and equipment.

**Farm equipment and supplies sales:** Establishments selling, renting, or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

**Farmer’s Market:** A place with or without buildings or structures where fruit, vegetables, produce, dairy products , and the like are sold from more than one fruit or vegetable stand operated partially or wholly be persons who do not reside on the property.

**Fast food restaurant:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in vehicles on the premise, or off the premises.

**Fence:** A barrier restricting or preventing passage between areas that it borders but not retaining earth embankments. The term fence shall include screening walls and shall also include hedges and evergreen shrubbery exceeding thirty-six inches in height.

**Fenestration:** Window treatment in a building or façade.

**Filtration basin:** Secondary treatment structures that follow sedimentation basins and release stormwater run-off through a filter media to remove additional pollutants.

**Final subdivision plat:** A map of a subdivision to be recorded after approval by the planning commission and any accompanying material as described in these regulations.

**First flush:** At least the first 1/2 inch of run-off from a storm event that flushes off and contains a disproportionately large loading of the accumulated pollutants from impervious and nonimpervious surfaces.

**Fiscal impact analysis:** The process of assessment of land development proposals as to the positive or negative impact they will have on the community's revenues and expenditures for public improvements, delivery of services, and net cash flow.

**Flea market:** A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade, or barter and goods regardless of whether they are new, used, antique, or homemade and regardless of whether they are offered for sale in open air, buildings, or temporary structures. Flea market does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as garage sales or yard sales, providing that such sales do not occur more frequently than once every sixty days, nor does flea market include any business or occupation, which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

**Flex space:** A building designed to accommodate a combination of office, wholesale, and warehousing functions, the exact proportions of each use being subject to user needs over time. Flex-space buildings are typically located in business or industrial parks, which usually have a footprint exceeding 10,000 square feet, and which are usually designed with loading docks to the rear and parking in the front. The front façade is often treated with a higher quality of architectural finish than the rear and sides.

**Flood fringe:** That portion of the floodplain outside of the floodway.

**Flood Insurance Rate Map:** An official map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the municipality.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency, which contains flood profiles, water surface elevation, or the base flood, as well as the Flood Boundary Map.

**Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of run-off of surface waters from any source.

**Floodplain:** Any land area susceptible to being inundated by water from any source. See *area of special flood hazard, flood or flooding, and 100-year floodplain*.

**Floodplain, 100-year:** See *100-year floodplain*.

**Floodway:** A channel, river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood; the 100-year floodplain.

**Floor area:** The sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. Floor area shall also include the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

**Floor area ratio:** The ratio of the total building floor area in square feet to the total land area in square feet, based upon a 1:0 ratio, constituting a one-story building or structure occupying 100 percent of the underlying land.

**Floor area:** In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, covered porches and patios, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

**Floor area ratio:** The ratio obtained when the gross floor area minus unoccupied basement area is divided by the total lot area.

**Florist shop:** An establishment for the retail sales of flowers, plants and accessories that may include the storage of merchandise inside of the building and the outside display of plants and flowers.

**Food store:** see Retail store/shop.

**Front yard depth:** The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right-of-way.

**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 purpose, which does not involve any land development. Forestry specifically does not include clear-cutting, although clear-cutting can be considered part of forestry if used in conjunction with other accepted silvicultural management practices. Forestry is defined herein and specifically permitted in all zoning districts in accordance with the Pennsylvania Municipalities Planning Code (53 P.S. §10603(f)).

**Fortune teller/Psychic/Astrologer:** A business offering personal services to individuals based on the art of astrology, palmistry, phrenology, fortune telling, clairvoyance, clairaudience, crystal gazing, prophecy, augury, necromancy and other similar practices.

**Foster family home:** A child care facility certified or licensed by the Commonwealth of Pennsylvania that provides care 24 hours a day for not more than six children.

**Foster group home:** A child care facility licensed by the Commonwealth of Pennsylvania that provides care 24 hours a day for seven to 12 children.

**Fracking:** The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

**Fraternal organization:** A group of people formally organized for a common interest, usually for cultural, religious, or entertainment purposes, with regular meetings, rituals, and formal written membership requirements.

**Freight terminal:** The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.



**Frontage:** That distance where a property line is common with a street right-of-way line.

**Frontage street:** Any street to be constructed by the developer or any existing street where development shall take place on both sides.

**Front yard:** An area extending the full width of a lot between the front lot line and the nearest principal structure.

**Frozen food storage:** A building or structure used for storing frozen food for long periods of time usually at, or below, thirty-two degrees Fahrenheit (zero degrees Celsius).

**Fuel pump:** Any device that dispenses automotive fuel and/or kerosene. A fuel pump may contain multiple hoses or be capable of serving more than one fueling position simultaneously.

**Fruit and vegetable stand:** A temporary structure which is used solely for the display or sale of products such as fruit, vegetables, produce, dairy products, and the like, produced on the premises upon which the stand is located. Also known as a roadside produce stand.

**Functionally dependent use:** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. Includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. Does not include long-term storage or related manufacturing facilities.

**Funeral home (includes mortuaries):** A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for: 1) embalming and the performance of other services used in the preparation of the dead for burial, 2) the performance of autopsies and other surgical procedures, 3) the storage of caskets, funeral urns, and other related funeral supplies, and (4) the storage of funeral vehicles, but shall not include facilities for cremation.

## **G-**

**Gabion:** A wire basket containing primarily stones deposited to provide protection against erosion.

**Gallery:** A facility used for the collection, display and/or distribution of objects of art or science and which is typically sponsored by a public or quasi-public agency and generally open to the public section.

**Gambling house:** A building, room or space devoted to gambling games or wagering on a variety of events and operated as a business; a public building for gambling and entertainment in which a variety of games of chance can be played. Includes, but is not limited to, betting parlor, off-track betting parlor, casino, gambling casino, gambling den, and gaming house.

**Garage, private:** A building or building appendage that is accessory to a main building, providing for the storage of automobiles and in which no occupation or business for profit is carried on, and enclosed on all four sides and pierced only by windows and customary doors.

**Garage, public:** A building, structure or any portion thereof where motor vehicles are repaired, rebuilt, reconstructed, painted or stored, for compensation. This may include rooms for storing, exhibiting or showing cars for sale.

**Garden center:** Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging;

garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and gardens supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

**Gasoline service station:** A premises providing fuel and minor accessories and services to automobiles, but not including major overhaul, spray painting, recapping of tires, or auto wrecking.

**Gas (natural) sub station:** An assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

**Gated community:** A residential area in which access to the subdivision streets is restricted by the use of a guard house or electronic arms, and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

**General office:** A building designed or primarily used for office purposes no part of which is used for manufacturing or a dwelling other than sleeping quarters for a watchman or custodian.

**General plan:** See *comprehensive plan*.

**Geographic search area:** An area in which the proposed antenna must be located in order to provide the designed coverage or capacity. Must be based on radio frequency engineering considerations, including grids, frequency coordination, propagation analyses, and levels of service consistent with accepted engineering standards and practices.

**Glare:** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Glide path:** A ratio equation used for the purposes of limiting the overall height of vertical projections in the vicinity of private airports. The ratio limits each foot of height for a vertical projection based upon a horizontal distance measurement.

**Golf course:** A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine holes, not including any driving ranges (where a fee is charged solely for this activity), "chip-n-putt", or miniature golf course. A golf course may include accessory uses such as a driving/chipping/putting area, club house and golf equipment shop provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are not directed primarily toward the general public.

**Governing body:** The Board of Supervisors of the Township of South Buffalo.

**Group home:** A dwelling facility operated for not more than fifteen persons plus staff, living together as a single family or as a single housekeeping unit.

**Grade:** The slope of a road, street, or other public way specified in percentage terms.

**Grading:** The process of changing the natural surface of the land in order to carry out a development plan. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances wherein such grading constitutes a change in use of the land.

**Gravel pit:** See sand or gravel pit.

**Greenhouse:** A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction.

**Greenspace:** The land shown on an urban corridor site plan that may be improved or maintained in a natural state and that is reserved for preservation, recreation, or landscaping.

**Grocery Store:** see Retail store/shop.

**Gross acreage:** The total acreage of a development.

**Gross floor area:** The aggregate floor area of an entire building or structure enclosed by and including the surrounding exterior walls.

**Ground cover:** A prostrate plant growing less than 2 feet in height at maturity that is used for ornamental purposes, alternatives to grasses, and erosion control on slopes.

**Groundwater:** Any water percolating below the surface of the ground.

**Group care facility:** A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six (6) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

**Group day care facility:** A facility, located in a single-family residence, that provides supervised care, protection and supervision for remuneration to more than six (6), but less than twelve (12) children who are unrelated to the operator and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. The term includes, but is not limited to Family Child Day Care Home as defined by Title 55 of the Pennsylvania Code.

**Group home:** A dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. Group homes shall be licensed, where required, by the appropriate governmental agency and shall be subject to the same limitations and regulations as a single-family dwelling, It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L. 100-430.

**Group quarters:** Any dwelling or portion thereof that provides lodging or occupancy for more than two (2) persons who do not constitute a family as defined by this Ordinance. Group quarters may or may not have common eating facilities or provide meals, but no provisions for cooking in the rooms are permitted. Group quarters include the following: 1) educational fraternity and sorority houses that are associated with, but not managed by, an education organization that may or may not provide services requiring the user to reside on the premises; 2) Other quarters of an institutional nature, that may or may not provide services requiring the user to reside on the premises; 3) Non-institutional quarters for compensation. Group quarters do not include hotels, motels, dormitories, emergency shelters, nursing facilities, and personal care facilities.

**Guyed:** A style of antenna supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

## **H-**

**Habitable structure:** A structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

**Habitable use:** See *inhabitable use*.

**Half story:** An uppermost story usually lighted by dormer windows, in which a sloping roof replaces the upper part of the front wall, and habitable areas on the uppermost story do not exceed a floor area derived by multiplying the floor area of the ground floor by 50 percent.

**Half-way house:** A dwelling for the supervision of transitionally institutionalized individuals who are involved in drug or alcohol rehabilitation and/or individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to a penal institution or juvenile detention center.

**Hazardous material:** Any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium, sulphur, sulphur products, pesticides, insecticides, fungicides, and all poisons, flammable gasses and radioactive substances.

**Height:** The vertical distance from basic grade at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**HELIPORT:** see airport

**Headway:** The amount of time between transit vehicles, including buses operating on a particular transit route.

**Health care facility:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

**Health care services:** Establishments providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

**Health club:** Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include: massage therapy, aerobics and physical fitness services (aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

**Health department and health officer:** The agency and person designated by the Township Board of Supervisors to administer the health regulations of South Buffalo Township.

**Height, building:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

**Height limit:** For purposes of the "AO" (Airport Overlay) district, the elevation in feet above mean sea level, the projection above which a proposed structure or tree is not permitted.

**Heliport:** That area used by helicopters or other steep gradient aircraft for take-offs and landings. Such area may include passenger, cargo, maintenance, and overhaul facilities, plus fueling service, storage space, tie-down area, hangars, and other accessory buildings and open spaces.

**Helistop:** That area used by helicopters or other steep gradient aircraft for the purpose of take-offs and landings. May be used for the pickup or discharge of passengers and cargo, storage space, and tie-down, but shall not include maintenance, overhaul, or fueling services and facilities.

**Heritage tree:** A tree, of any species, having a trunk size of 30 inches diameter breast height or larger.

**High density:** Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

**Highest adjacent grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Highway, limited access:** A freeway or expressway providing a trafficway for through traffic where owners or occupants of abutting property on lands and other persons have no legal right to access to or from same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the traffic way.

**Historic district:** An area, urban or rural, defined as an historic district by the South Buffalo Township Board of Supervisors, state or federal authority, and which may contain, within definable geographic boundaries, one or more buildings, objects, sites, or structures designated as exceptional or significant historic landmarks or clusters, as defined herein, including their accessory buildings, fences, and other appurtenances, and natural resources having historical, architectural, archaeological, and cultural significance, and which may have within its boundaries other buildings, objects, sites, or structures, which, while not of such historical, architectural, archaeological, or cultural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.

**Homeless Shelter:** A facility providing temporary housing to indigent, needy, or homeless persons.

**Home occupation:** An occupation carried on within a dwelling unit by the residents of the home. The use is considered accessory. It shall not include the sale of commodities on the premises or non-professional services on the premises, except for one-chair barbershops and beauty shops.

**Homeowners' association:** See *property owners' association*.

**Horizontal zone:** An area longitudinally centered on the perimeter of a private airport's runway that extends outward from the edge of the primary surface a distance equivalent to 1 statute mile.

**Horticultural uses:** Uses relating to the raising, propagating and selling of trees, shrubs, flowers and other vegetative material.

**Horticulturist:** A qualified professional who has studied the science or art of cultivating plants especially for ornamental use.

**Hospital:** An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

**Hotel/Motel:** A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or in an accessory building.

**Household:** Any person or persons who reside or intend to reside in the same housing unit.

**Housing for the elderly:** A multi-family and/or multi-story dwelling designed for, and occupied by persons sixty-five (65) years of age or older and conforming to all requirements of state and federal laws and regulations pertaining to housing for the elderly.

**I-**

**Independent living facility:** A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents.

**Impact analysis:** See *fiscal impact analysis and environmental impact assessment*.

**Impact fee:** A charge or assessment imposed by South Buffalo Township against new development in order to generate revenue for funding the costs of capital improvements or facility expansions necessitated by and attributable to the new development.

**Impervious cover:** Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface including, but not limited to, all streets and pavement within the subdivision. "Percent impervious cover" is calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed divided by the total area within the perimeter of such lot, tract, parcel, or development. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, and public sidewalks shall not be calculated as impervious cover.

**Improvement:** Any one or more of the following that is required by a development order or legislation requiring financing of capital facilities, the need for which is generated by a development project: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds; and public elementary and secondary school sites.

**Improvement guarantee:** A security instrument, including, but not limited to, a bond, a letter of credit, or other sufficient surety, accepted by the South Buffalo Township Board of Supervisors to ensure that all public and nonpublic improvements required as a condition of approval of a development project will be completed in compliance with the plans and specifications of the development approved in the development order.

**Industrial park:** An area of land arranged and/or constructed in accordance with a plan for a group of industrial purpose, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting use.

**Institutional home:** (including Nursing or Convalescent Home) A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirm persons, or members of a religious order. This classification shall not be held to include penal or reformatory foundations, or institutions for the custody, care of treatment of persons suffering from mental derangement, or drug or alcohol addiction. Such uses shall meet license requirements of the Commonwealth.

**Individual sewage disposal system:** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

**Infill development:** Development designed to occupy scattered or vacant parcels of land that remain after the majority of development has occurred in an area.

**Infrastructure:** Any physical system or facility that provides essential services, such as transportation, utilities, energy, telecommunications, waste disposal, parklands, sports, buildings, housing facilities, and the management and use of resources regarding same. Includes drainage systems, irrigation systems, sidewalks, roadways, sewer systems, water systems, driveways, trails, parking lots, and other physical systems or facilities as generally described above that may not be specifically enumerated in this definition.

**Infrastructure expenses:** Those expenses that shall include engineering costs, impact fees, platting fees (including the amount of bond, trust agreement, or irrevocable letter of credit posted with the South Buffalo Township Board of Supervisors to assure compliance with platting requirements), as well as necessary development costs actually paid (if such costs actually paid exceed or are necessary but are not included infrastructure costs covered by the bond, trust agreement, or irrevocable letter of credit), including off-site infrastructure costs that are necessary for plat approval of a specific parcel of real property. A property owner or developer shall be allowed to include as infrastructure expenses costs incurred by voluntary compliance with development ordinances, including, by way of example but not limitation, tree survey costs.

**Inhabitable use:** A use that involves the construction or placement of permanent or temporary dwelling units.

**Institution for children or the aged:** An establishment providing residence and care for children or the aged.

**Intensity:** The number of square feet of development per acre by land-use type with respect to nonresidential land uses.

**Intermediate care facility:** A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but do not require the degree of care and treatment that a hospital requires.

**Intermediate construction phase:** On land development projects with multiple phases of construction, there may be several intermediate construction phases that precede the final construction phase. The final construction phase is completed in the build-out year.

**Intermediate floodplain:** Any channel, creek, stream, branch, or watercourse for surface water drainage that drains an area greater than 320 acres but less than 640 acres.

**Intermittent stream:** A stream in which surface water is absent during a portion of the year, as shown on the most recent 7.5- minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.



**Intersection:** The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of two or more roadways, including a public street, a private street, a commercial driveway, a residential driveway, a driveway approach, or an alley that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come into conflict.

**Intrusion:** A building, object, site, or structure that detracts from the historical significance of a district or cluster because of its incompatibility with the sense of time and place and historical development of a district or cluster; because of its incompatibility of scale, materials, texture, or color; whose integrity has been irretrievably lost; or whose physical deterioration or damage makes it infeasible to rehabilitate.

**Inventory:** A systematic listing of cultural, historical, architectural, or archaeological resources prepared by a city, state, or federal government or a recognized local historical authority, following standards set forth by federal, state, and city regulations for evaluation of cultural properties.

## **J-**

**Junk:** Any worn-out, cast-off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. Does not include any article or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

**Junkyard:** Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

## **K-**

**Kennel:** Any lot or premises on which domestic or wild animals are kept, housed, boarded, groomed, bred, trained, or raised for sale; all for a fee or compensation.

**Kindergarten:** See *nursery school*.

## **L-**

**Laboratory:** A building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

**Landfill:** A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan.

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

**Landing strip:** A private, noncommercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the land owner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hanger, maintenance and service facilities.

**Land development regulations:** All ordinances including zoning, subdivision, official mapping, capital improvements programming, building, housing, safety, and environmental codes that relate to land use.

**Landscape architect:** A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

**Landscape planting area:** An area that accommodates the installation of trees, shrubs, and ground covering consistent with the standards set forth in this Ordinance where applicable.

**Landscaping:** The process or product of installing plants for purposes of screening or softening the appearance of a site, including grading, installation of plant materials, and seeding of turf or ground cover.

**Landscape supply:** see nursery.

**Land-use category:** A classification of uses as set forth in the use matrix.

**Large shrub:** Any plant, deciduous, or evergreen, that is generally multi-stemmed and reaches a height of 6 feet or more upon maturity.

**Large tree:** A tree of a species that normally reaches a height of 30 feet or more upon maturity.

**Lattice:** A style of antenna supporting structure, not supported by guy wires, which consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.

**Lattice antenna structure:** A steel lattice, self-supporting structure with no guy-wire support, so designed to support fixtures that hold one or more antennas and related equipment for wireless communications transmission.

**Lease:** See sale or lease.

**Laundromat:** A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premise to wash and/or dry clothing, apparel, or other fabric.

**Levee:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices, to contain, control, or divert the flow of water in order to provide protection from temporary flooding.

**Levee system:** A flood protection system that consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Level of service:** An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Indicates the capacity per unit of demand for each public facility, including the cumulative impacts or capacity of a series of development projects taken together to measure the joint and several impacts.

**Library:** Any premises, building or part thereof where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

**Livestock Intensive Operation (LIO):** Any agricultural operation in Pennsylvania in which the average density exceeds two animal equivalent units per acre of cropland, or per acre for application of animal manure on an annualized basis.

**Live-work unit:** A building in which offices, studios, or other commercial uses are located on the first floor and a dwelling unit is located above the first floor.

**Loading area:** An area of a property on which activities are of such a nature to require continuous receiving and/or shipping of goods, such are to be used exclusively for loading and not to interfere with other vehicular or pedestrian circulation on the property.

**Long-term care facility:** An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit in accordance with an approved development plan.

**Lot area:** The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan, or as shown on a plan for approval. For the purposes of compliance with minimum lot area requirements, the following land uses shall be excluded when such use is the principle use of the lot: any area used for gas, oil, natural gas, electric, water or communications.

**Lot, corner:** A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

**Lot coverage:** The area of a lot or parcel that is covered by principle and/or accessory buildings or structures.

**Lot depth:** The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

**Lot, flag:** A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which front on the public street. Flag lots shall have a minimum frontage on a public street per the requirements of the Armstrong County Subdivision and Land Development Ordinance and approval by the Armstrong County Planning Commission.

**Lot frontage:** That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

**Double frontage lot:** A parcel of land that fronts on two or more public streets, one of which may be an alley.

**Lot improvement:** Any building, structure, place, work of art, or physical object situated on a lot.

**Lot, reversed corner:** A corner lot, the rear of which abuts upon the side of another lot whether across an alley or not.

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

**Lot line:** Any line bounding a lot that divides one lot from another or from a street or any other public or private space.

**Front, lot line:** The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

**Rear, lot line:** Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have

the option of choosing which of the two lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

**Side, lot line:** Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

**Lot, measurement:** The following terms will be used when determining the measurements of parcels within the municipality:

**Lot, depth:** The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

**Lot, minimum width:** The minimum lot width at the building setback line.

**Lot width:** The horizontal distance between side lot lines measured along a straight line parallel to the front lot line at the minimum required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

**Lodge:** The place where members of a club or fraternal organization hold their meetings.

**Low density:** Those residential zoning districts in which the density is equal to or less than one dwelling unit per 40,000 square feet.

**Lowest floor:** The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built in order to render the structure in violation of the Pennsylvania Uniform Construction Code.

**Low-income housing:** A household composed of one or more persons with a combined annual net income for all adult members that does not exceed the qualifying limit for a lower-income family of a size equivalent to the number of persons residing in such household, as set forth by the Commonwealth of Pennsylvania.

**Lumberyard:** The principle use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

## **M-**

**Maintenance easement:** An easement granted by the owner of a lot adjacent to a zero lot line development, exclusively for the purpose of allowing the occupant of a residence on the lot line access to the adjoining property in order to maintain that portion of his/her dwelling situated on the property line.

**Maintenance guarantee:** Any security instrument required by the South Buffalo Board of Supervisors to ensure that public or nonpublic improvements will be operated, maintained, and repaired for a period of time following construction of the improvement as specified in a development order.

**Mall:** 1) An open or enclosed shopping center where store front on both sides of a pedestrian way which is in excess of 150,00 square feet and is site on more than 15 acres.; 2) A shaded walk or public promenade.

**Manufactured home:** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in

floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-condition, and electrical system contained therein; or a structure that otherwise comes within the definition of a manufactured home under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445). See: dwelling, one family or single family.

**Major subdivision:** All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of public infrastructure or the creation of any public improvements (includes the resubdivision amendment or modification of a major subdivision, or series of related minor subdivisions on contiguous land that cumulatively amount to the creation of four or more lots).

**Manufactured home land-lease community:** A parcel in which individual spaces are leased for the purpose of installing, placing, or occupying a manufactured home.

**Manufactured home park:** A plot or tract of land separated into two or more spaces or lots, which are rented or leased or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences, provided that the lease or rental agreement is for a term of less than 60 months and contains no purchase option.

**Manufactured home site:** A plot of ground within a manufactured home park that is designed for and designated as the location for only one manufactured home and customary accessory uses.

**Manufactured home stand:** That part of a manufactured home site that has been reserved for the placement of the manufactured home, appurtenant structures, or additions.

**Manufactured housing:** See *manufactured home*.

**Manufacturing:** Operations required in the mechanical, biological, or chemical transformation of materials or substances into new products, including the assembling of component parts; the manufacture of products; and the blending of materials, such as lubricating oils, plastics, resins, or liquors (includes all mechanical, biological, or chemical transformations, whether the new product is finished or semi-finished as raw materials in some other process).

**Marcellus Well:** see *Natural Gas Well Drilling and Oil and Gas Development*

**Marina:** A facility for the storing, servicing, fueling, berthing, and securing of boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

**Massage therapy business:** An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five percent of the area of the establishment.

**Medical center:** A facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

**Medical clinic:** An institution providing outpatient mental health services and medical or surgical care of the sick, handicapped or injured but not including health clinics and doctor's offices.

**Medium density:** Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

**Medium tree:** A tree of a species that normally reaches a height exceeding 15 feet but less than 30 feet upon maturity.

**Membership organization:** An organization operating on a membership basis with a preestablished formal membership requirement and with the intent to promote the interests of its members; includes: trade associations, professional organizations, unions, and similar political and religious organizations.

**Methadone treatment facility:** A facility licenses by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons. Such facility shall not be located less than 500 feet from an existing school, public playground, public park or land owned by the Township in reserve for a public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship.

**Mine:** An underground area contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

**Mineral extraction:** All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

**Minerals:** Any aggregate or mass of mineral matter, whether or not coherent. This term includes, but is not limited to: limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, and peat.

**Mining accessory structure:** Any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, portals, and ventilation shafts.

**Mining, open pit:** Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resources, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials 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, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

**Mining, portal:** Structures and appurtenant facilities utilized for the access and egress of men and materials in deep mine operations.

**Mining, surface:** The extraction of minerals from the earth, from waste, or stock piles, or from pits or banks by activities conducted upon the surface of the land which requires the removal of the overburden, strata, or material overlying, above or between, the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger, and open pit mining, dredging, quarrying, leaching, box cutting, and activities related thereto.

**Mini-mall:** A shopping center of between 80,000 and 150,000 square feet on a site of 8 to 15 acres with direct pedestrian access to all establishments.

**Mini-mart:** A convenience store that is located on the same lot and is accessory to a gasoline station.

**Mini-Warehouse:** A storage enterprise dealing with the reception of goods of residential or commercial orientation that lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

**Minor floodplain:** Any channel, creek, stream, branch, or watercourse for surface water drainage that drains an area greater than 100 acres but less than 320 acres.

**Minor subdivision:** Any subdivision containing not more than three lots fronting on an existing street, not including any new street, the extension of municipal facilities, or the creation of public improvements, and not adversely affecting the remainder of the comprehensive plan, official map, or zoning regulations. A series of related minor subdivisions on contiguous land cumulatively totaling four or more lots shall be construed to create a major subdivision.

**Mixed-use, building:** A building that contains two or more of the following major use types: residential, office, or retail.

**Mixed use, development:** A coordinated pattern of development that contains a mix of complementary land uses such as residences, shops, offices, restaurants, churches, etc.

**Mixed use, occupancy:** The use of one building for two (2) or more purposes.

**Mobile home:** A prefabricated single dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailer, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. See: dwelling, one-family or single family.

**Mobile home lot in a mobile home park:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**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.

**Monopole:** A style of free-standing, antenna supporting structure, which is composed of a single shaft that is attached to a foundation. This type of antenna supporting structure is designed to support itself without the use of guy wires or other stabilization devices, and is mounted to a foundation that rests on or in the ground or on a building's roof.

**Monopole antenna structure:** A self-supporting, pole-type structure with no guy-wire support, tapering from base to top, and so designed to support fixtures that hold one or more antennas and related equipment for wireless telecommunications transmission.

**Motel/Hotel:** A building, or group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than four (4) transient occupants not normally quartered on the premises shall be considered as a motel facility under the provision of this Ordinance.

**Move theater:** A facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.



**Museum:** A building used primarily for preserving and exhibiting artistic, historical, or scientific objects which is open and available for use by the general public and which is operated by a governmental body or by a corporation or other organization for profit authorized to conduct business in the Commonwealth of Pennsylvania.

**Commercial:** A building used primarily for preserving and exhibiting artistic, historical, or scientific objects which is open and available for use by the general public and which is operated by a corporation or other organization for profit.

**Nonprofit:** A building used primarily for preserving and exhibiting artistic, historical or scientific objects which is open and available for use by the general public and which is operated by a federal, state or local government body or subdivision or agency thereof or by a nonprofit corporation authorized to do business in the Commonwealth of Pennsylvania.

**Mulch:** Nonliving organic and inorganic materials customarily used in landscape design to retard erosion, retain moisture, maintain even soil temperature, control weeds, and enrich the soil.

**Multi-family dwelling:** *see dwelling.*

## **N-**

**Natural Gas Well Drilling:** Includes oil and gas exploration, production, processing, or treatment operations or transmission facilities” means all field activities or operations associated with exploration, production, processing, treatment operations, transmission facilities, and maintenance; and including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations are considered construction activities.

**Natural Gas Compressor Station:** A facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**Natural Gas Processing Plant:** A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

**Natural resources recovery:** A facility for recycling and recovery of resources, including excavating, quarrying, mining and the processing of topsoil, sand, gravel, clay, shale, limestone, etc, but not including the processing, treatment or disposal of hazardous waste material.

**Nature preserve:** An area in which human activities are very limited and where the natural environment is protected from human changes.

**Net acreage:** The gross acreage of a development site excluding those portions of a development dedicated to public use, such as street rights-of-way, drainage, and open space.

**New development:** Any new demand that increases the number of equivalent dwelling units, including, but not limited to, the subdivision and/or resubdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land, any of which increases the number of equivalent dwelling units.

**Nightclub:** A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

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

**Nonconforming lot, parcel, or use:** A lot or parcel of land legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

**Nonconforming structure:** Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

**Nonconforming use:** Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

**Nonconforming sign:** A sign legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

**Nonconforming site:** A lot, parcel, or development site that was legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

**Nonconformity:** Any nonconforming use, sign, lot, parcel, building, site, or structure.

**Nonresidential subdivision:** A subdivision whose intended use is other than residential, such as commercial or industrial.

**Notice of noncompliance:** A notice issued by the Zoning Officer or Code Enforcement Officer that informs of noncompliance of the regulations contained within this Ordinance.

**Nursery:** Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping/gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

**Nursery school:** A school designed to provide daytime care or instruction for two or more children of preschool age.

**Nursing home:** A facility licensed as a nursing home by the Commonwealth of Pennsylvania. See: assisted living facility, intermediate care facility, and skilled nursing facility.

## **O-**

**Open space:** Common greens, parks, other recreation space or generally open areas available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two (2) families per lot which are intended for the sole use of the occupants of such buildings and their guests.

**Obstruction:** Any structure, growth, or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by the airport zoning regulations.

**Occupancy:** The presumed level of build-out as estimated by the property owner of the proposed development at the later of five years or build-out.

**Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government; and generally furnished with desks, tables, files, and communication equipment.

**Office building:** A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, which may include ancillary services for office workers, such as a restaurant, coffee shop, or newspaper or candy stand.

**Office park:** A development on a tract of land that contains a number of separate office buildings, with accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

**Official map:** A map established by law showing the streets, highways, parks, drainage systems, and setback lines laid out, adopted, and established by law. The official map shall be amended from time to time to show any amendments or additions resulting from the recording and filing of approved subdivision plats.

**Official zoning map:** The map of all zoning districts, including but not limited to overlay zones, that is on file with the South Buffalo Township and the Armstrong County Planning Commission.

**Off site:** Any premises not located within the area of the property subject to development approval, whether or not in the common ownership of the applicant.

**Off-site facility:** Any structure, facility, equipment, or installation, the purpose and function of which is to receive wastewater from a development's internal collection system and to transport, treat, and ultimately discharge that wastewater to a receiving stream at a permanent location determined by the board.

**Off-site mains:** Sewer or water mains totally outside of a subdivision.

**100-year floodplain:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year, and the area designated as a Federal Emergency Management Agency Zone A, AE, AH, or AO on the Flood Insurance Rate Maps. See *area of special flood hazard, flood or flooding, and floodplain*.

**100-year frequency flood:** See *base flood*.

**100-year frequency rainstorm:** The rainstorm having an average statistical frequency of occurrence in the order of once in 100 years, although the rainstorm may actually occur in any year.

**Oil and Gas:** Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

**Oil and Gas Development or Development:** The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and

gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

***Oil and Gas Exploration, Production, Drilling and Transmission:*** The term “oil and gas exploration, production, processing, or treatment operations or transmission facilities” means all field activities or operations associated with exploration, production, processing, treatment operations, transmission facilities, and maintenance; and including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations are considered construction activities

***Oil or Gas Well:*** A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

***Oil or Gas Well Site:*** The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

***On site:*** Development, construction, installation of infrastructure, or any other activity that occurs on the site that is the subject of an application.

***On-site facility:*** Any structure, facility, equipment, or installation that collects and transports wastewater generated from within a development to the off-site system at a designated point.

***On-site mains:*** Sewer or water mains totally within a subdivision, including mains lying along one or more sides of a subdivision that serve such subdivision exclusively.

***Open space:*** An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic, or recreational purposes. May include, but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways, and water courses. The computation of open space shall not include driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic, or to buildings. The term “open space” also includes any land, water, or submerged land that is provided for, preserved for, or used for park or recreational purposes; conservation of land or other natural resources; cultural, historic, or scenic purposes; assisting in the shaping of the character, direction, and timing of community development; or wetlands.

***Operator:*** The person designated as the well operator on the permit application or well registration.

***Ordinance:*** Any legislative action, however denominated, of the South Buffalo Township Board of Supervisors that has the force of law, including any amendment or repeal of any ordinance.

***Ordinary repair and maintenance:*** Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a building, object, or structure, and to restore it as nearly as practicable to its condition prior to the deterioration, decay, or damage.

***Outdoor resale business:*** A business that sells used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

***Outdoor storage:*** The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

***Overall height:*** The height of a wireless communications facility, which includes all antennas and other ancillary appurtenances.

**Overlay zone:** A zone that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements in addition to those applicable in the underlying base zoning district.

**Oversized vehicle:** A motor vehicle, trailer, or boat that by itself, or together with other structure or structures or vehicle or vehicles attached to it, exceeds 24 feet in length, 8 feet in width, or 8 feet in height, exclusive of appurtenances, such as antennas, air conditioners, luggage racks, and mirrors.

**Owned unit:** A designated unit that is a condominium, stock cooperative, timeshare, or other legal or equitable instrumentality that creates a legal or equitable title in the property.

**Owner:** The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the definition of same ownership. **Owner of Gas Well:** A person, who owns, manages, leases, controls or possesses an oil or gas well.

## **P-**

**Park:** A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land. Includes, but is not limited to: golf courses, driving ranges, baseball and football fields, tot-lots and other recreation activities. May be public or private.

**Parking area:** An open portion of land with an impervious surface designed and used for parking of vehicles including parking spaces, aisles and maneuvering areas as accessory uses to a principle use.

**Parking facility:** A structure designed and used for parking of motor vehicles including parking spaces, aisles and maneuvering areas.

**Commercial:** A parking facility other than a street or other public way, used for the parking of motor vehicles and available to the public, whether for a fee, free, or as an accommodation for clients or customers.

**Residential:** A parking facility, other than a street or other public way, used for the parking of automobiles in residential zones and available to the public.

**Parking lot:** An off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of an automobile dealership. May be an accessory or principle use of the land.

**Parking lot plantings:** Plantings that shade and improve the appearance of large areas of pavement that are located within planting areas adjacent to parking areas.

**Parkway:** The area located within a public right-of-way between the outer curb line and the adjacent property line. Also commonly referred to as a cartway.

**Pavement section:** The portion of a municipal street that is improved, designed, or ordinarily used for vehicular travel. Does not include a curb, berm, or shoulder. Where curbs are laid, the portion between the face of curbs.

**Pawnshop:** A business that lends money on the security of pledged goods. May also purchase merchandise for resale from dealers and traders.

**Perennial stream:** A stream that contains surface water throughout an average rainfall year, as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field

verification.

**Permanent foundation:** A system of supports for a structure that supports its maximum design load, is constructed of concrete or masonry materials, and is placed at a sufficient depth below grade adequate to prevent frost damage.

**Permanent residence:** The residential address inhabited and maintained by the property owner, which is also listed with the United States Postal Service as the property owner's official residence.

**Permeability:** The capacity of a material to transmit a liquid, which is expressed in terms of hydraulic conductivity of water in centimeters-per-second units of measurement.

**Permit:** See *development approval*.

**Personal care facility:** A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel.

**Personal services:** Establishments primarily engaged in providing services involving the care of a person or his/her apparel, such as laundry cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry cleaning plants, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, hat cleaning, funeral services, reducing salons and health clubs, and clothing rental.

**Personal wireless service:** Commercial mobile services (including cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Pervious pavement:** A pavement system with traditional strength characteristics but which allows rainfall to percolate through it rather than running off. A pervious pavement system uses either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water that allows for passage of run-off and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®.2

**Pet shop:** A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

**Pharmacy:** A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

**Phased construction project:** Any land development project that is developed in greater than a single phase and that is identified by the issuance of development approvals.

**Phased subdivision application:** An application for subdivision approval submitted pursuant to a preliminary plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase or phases over a period of time. May include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned developments, mixed-use projects, and residential developments.

**Photographic studio:** A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

**Physician's office:** see professional office.

**Pitch:** The slope of a roof as determined by the vertical rise in inches for every horizontal 12-inch length (called the "run"). Expressed with the rise mentioned first and the run mentioned second (e.g., a roof with a 4-inch rise for every horizontal foot has a 4:12 pitch).

**Place of public assembly:** Any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion picture house, establishment for the consumption of food or drink, or other similar establishment.

**Place of worship/religious institution:** A church, synagogue, temple, mosque or other place (include open space, lot, parcel of land) used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therein.

**Planning commission:** A board of residents appointed by the elected governing body of a municipality to carry out certain activities, specified by legislative action, in connection with channeling growth and change in the municipality for the best interests of all the residents.

**Planned development:** A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

**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 the South Buffalo Township Zoning Ordinance.

**Plat:** A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets, which has been approved by the planning commission and recorded in the office of the county clerk. Includes a replat.

**Police power:** Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.

**Pollutants:** Any element, chemical, compound, organism, or material that alters the chemical, physical, biological, and/ or radiological integrity of water.

**Pollution:** The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water.

**Porch:** A roofed area, which may be glazed or screened, attached to or part of and with direct access to or from a structure, and usually located on the front or side of the structure.

**Portable storage unit:** A container, designed for temporary short-term storage, which is not affixed to the land.

**Principle building:** The structure on a property containing the principle use and thus making all other buildings on the property accessory structures.

**Principal dwelling:** A dwelling unit that constitutes the principal building or principal structure on a lot or parcel.



**Principle permitted use:** The single, primary or predominant use to which a property is or may be devoted and to which all other uses on the property are necessary.

**Principal structure:** See *principal building*.

**Principal use:** The primary or main use of land or structures, as distinguished from a secondary or accessory use.

**Private club:** A non-commercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

**Professional:** Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

**Professional engineer:** An engineer licensed by the Commonwealth of Pennsylvania.

**Professional office:** An office in which business is conducted by physicians and surgeons, lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar profession.

**Processing and warehousing:** The storage of materials in a warehouse or terminal and where such materials may be combined, broken down, or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed.

**Property owner:** The person, entity, corporation, or partnership in whose name a certificate of occupancy is issued; the current owner of the property if a certificate of occupancy is no longer valid; or, if the current owner cannot be contacted after due diligence, the lessee/occupant of the property who is in apparent control of such property.

**Property owners' association:** An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision—whether a lot, parcel site, unit plot, condominium, or any other interest—is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a prorated share of expense of the association, which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

**Proposed development:** The uses, structures, and buildings contained in the application for development approval.

**Public art:** Unique artwork in a variety of media that may be an integral part of eligible capital improvements projects, and produced by a professional artist, or an artist in collaboration with an architect, landscape architect, or professional engineer. Works may be permanent or temporary and functional or nonfunctional.

**Public:** Of, or pertaining to, building, structures, uses or activities belonging to, or affecting, any duly authorized governmental body, available for common or general uses by all.

**Public building or use:** A public, quasi-public, or privately maintained institution or function devoted exclusively to a variety of group activities – civic, social, recreational, educational and/or cultural-and maintaining the premises and facilities appropriate for such activities; provided, however that the said premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution, or function and further that the same are open to or are available to the public generally.

**Public facilities project:** Any and all public improvements, including, but not limited to: (1) water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service; (2) lines, conduits, and other necessary works and appliances for providing electric power service; (3) mains, pipes, and other necessary works and appliances for providing gas service; (4) poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes; (5) pedestrian facilities, such as sidewalks, bikeways, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, culverts, and bridges; (6) parks and parkways, recreation areas (including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which they were intended); (7) sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels, or other appurtenances; (8) drains, tunnels, sewers, conduits, culverts and channels for drainage purposes, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels, and appurtenances; (9) stations, trucks, pumps, pipes, hydrants, and appliances for fire protection; (10) breakwaters, levees, bulkheads, groins and walls of rock, or other material to protect the streets, places, public ways, and other property from overflow by water, or to prevent beach erosion or to promote accretion to beaches; (11) works, systems, or facilities for the transportation of people, including rolling stock and other appurtenant equipment such as traffic signs, signals, lights, and lighting; (12) temporary and permanent school buildings; (13) police stations; (14) public works maintenance facilities; and (15) all other work auxiliary to any of the above that may be required to carry out that work, including, but not limited to, administrative, engineering, architectural, and legal work performed in connection with establishing, implementing, and monitoring public facilities projects; and acquisition of any and all property, easements, and rights-of-way that may be required to carry out the purposes of the project.

**Public facility service area:** Any area to which public facilities are extended or constructed and that obtain a benefit from the facilities.

**Public grounds:** Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or, publicly owned or operated for scenic or historic site.

**Public hearing:** A proceeding preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence. In a quasi-judicial hearing, witnesses are sworn and are subject to cross-examination.

**Public meeting:** A forum held pursuant to notice under 65 Pa. C.S. Ch. 7 (Relating to Open Meetings).

**Public notice:** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the public hearing.

**Public property:** Property that is owned by South Buffalo Township or any agency of the state or federal government.

**Public recreation area:** A parcel, lot or open space area of land for public leisure activities without restrictions, except for rules and standards of conduct and use.

**Public right-of-way:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and used or intended to be used, wholly or in part, as a public street, alley, walkway, drain, or public utility line.

**Public utility:** An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipality owned agency, excluding police, fire and similar emergency

services and is required by law to: 1) serve all members of the public upon reasonable request, 2) charge just and reasonable rates subject to review by a regulatory body, 3) file tariffs, specifying all of its charges, and 4) modify or discontinue its service only with the approval of the regulatory agency.

**Public utility structures/buildings:** Uses other than essential service installations erected, constructed, or maintained to provide services necessary for the public health, safety, or general welfare and whose ownership and operation is controlled by the Pennsylvania Public Utilities Commission, Federal, State, County, or Local Government agency, commission, or authority. Excluded from this definition are general governmental buildings, municipal fire houses, and municipal recreational facilities.

**Pumping station:** A building or structure containing the necessary equipment to pump a fluid to a higher level.

## Q-

**Quadraplex:** See *Dwelling, multi-family*.

**Quarry:** A tract of land used primarily for the extraction of limestone, sand, gravel, stone, clay, topsoil or other similar materials for processing, sale, or use for any purpose (includes sand pits and gravel pits). Quarrying does not include exploration, excavation, or extraction of oil or natural gas, or excavation or grading necessary for the development of a lot or tract.

## R-

**Racetrack:** A commercial establishment for the racing of animals or motor vehicles.

**Radio frequency emissions:** Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna supporting structure, building, or other vertical projection.

**Recreation:** Leisure-time activities, including but not limited to sports and entertainment, that are open to anyone without restriction, except for rules and standards of conduct and use.

**Private:** Developed or undeveloped open spaces and/or structure and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

**Public:** Developed or undeveloped open space and/or structures and facilities that are provided by a governing body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

**Recreation space:** open space for active and passive recreation.

**Active recreation areas:** Includes major paved pedestrian ways, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

**Passive recreation areas:** Includes outdoor sitting areas such as sundecks, roofs, gardens, parks, natural areas for walking and picnicking and areas abutting minor pedestrian walkways.

**Recreational use:** The use of land, buildings and structures for leisure-time activities, including but not limited to amusement arcades, athletic health spas, clubs, country clubs, dancing or music studios, golf courses, race tracks, riding academies, swimming clubs, and ski resorts. Such facilities may be opened to anyone without restrictions,

except for rules, fees, and standards of conduct and use, may be privately operated for profit, or they may be private and limited as to users.

**Recreational vehicle:** A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

**Recreational vehicle park:** A plot of ground designed and laid-out for occupancy by recreational vehicles, including tents on a temporary basis, to be used as living quarters.

**Recycling business:** A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by subsections (1) or (2), above.

**Recycling collection facility:** A center for the acceptance of recyclable materials from the public by donation, redemption, or purchase.

**Recycling facility:** A facility employing a technological process, that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**Registered family home:** A child care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school children, but where the total number of children, including the caretaker's own, does not exceed 12 children at any given time.

**Research and development facility:** A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields.

**Resource recovery facility:** A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include: 1) any composting facility; 2) methane gas extraction from a municipal waste landfill; 3) any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste; 4) any facility, including all units in the facility, with a total processing capacity of less than fifty (5) tons per day.

**Restaurant:** That part or the whole of any building, structure, facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

**Carry-out:** An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

**Drive-thru:** A fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

**Fast food:** An establishment whose principle business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.

**Sit down, low turnover:** A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

**Retail store/shop:** A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include, but are not limited to: drug stores; new stands; food stores and supermarkets; candy shops; dry goods; notions and clothing stores; boutiques and gift shops; hardware, home furnishings and household appliance and electronics stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; art/photography studios; auto accessory stores, and music stores.

**Registered land surveyor:** A land surveyor properly licensed and registered by the Commonwealth of Pennsylvania.

**Regulatory floodplain:** The land within the community subject to flooding during a 100-year frequency storm event, assuming that ultimate development has occurred throughout the watershed. The regulatory 100-year floodplain is limited to the reach of the stream that is designated as an area of special flood hazard on the Flood Insurance Rate Maps.

**Rehab center:** See *transitional home*.

**Residential development:** All areas devoted primarily to residential use.

**Residential property:** A building, site, or structure whose use after rehabilitation or restoration (for ad valorem tax exemption) will be for residential uses (i.e., for a single-family, duplex, three-, or four-family dwelling).

**Residential streets:** Street routes that provide access to local property owners and that connect property to the major thoroughfare or other collector street networks.

**Residential structure:** A single-family home, an apartment house, a townhouse, a condominium, or any type of dwelling unit.

**Resource:** A source or collection of buildings, objects, sites, structures, or areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the nation, state, or city.

**Restricted parking area:** The area within the front yard of a lot within which the parking of oversized vehicles is regulated. Extends to a depth of 15 feet from the street curb or, if there is no curb, from the edge of the roadway whether paved or unpaved.

**Restrictive covenant:** A covenant creating restrictions applicable to development within a subdivision.

**Retail trade:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of retail trade establishments include the following: the establishment is usually a place of business and is engaged in activity to attract the general public to buy; the establishment buys and receives as well as sells merchandise; the establishment may process some of the products, but such processing is incidental or subordinate to the selling activities; and retail establishments sell to customers for their own personal or household use.

**Retail use:** Any use engaged in retail trade.

**Rezoning:** The redesignation of an area, lot, or parcel from one zoning district to another.

**Right-of-way:** Property that is publicly owned or upon which a governmental entity has an express or implied property interest (e.g., fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, a highway, a street, sidewalks, drainage facilities, a crosswalk, a railroad, a road, an electric transmission line, an oil or gas pipeline, a water main, a sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency are dedicated to public use by the maker of the plat on which the right-of-way is established.

**Roof sign:** A sign erected and constructed wholly on or above the roof of a building and supported by the roof structure.

**Rooming house:** See *boarding house*.

**Runway:** A defined area in an airport prepared for landing and taking off of aircraft along its length. Includes planned future paved runways and extensions of runways as shown on the official airport layout plan and on the Airport Hazard Zoning Maps of these regulations.

## S-

**Sanitary Landfill:** A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials generated by South Buffalo Township residents to include: solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities; but excluding toxic waste, radioactive materials, and materials containing PCB’s and other known carcinogens.

**Salvage yard:** A lot or area for the handling or storage of scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes, but is not limited to: automobiles, used lumber, steel materials, and aluminum materials.

**Sand or gravel pit:** A tract of land used primarily for the extraction of soil, sand, gravel, clay, and other similar materials, other than oil or gas, which are processed and sold or used for commercial purposes. Does not include the excavation or grading necessary for the development of a lot or tract.

**Sanitary landfill:** A controlled area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by the Commonwealth of Pennsylvania.

**Satellite dish antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, cone, or horn; and is to be used to transmit and/or receive electromagnetic waves between terrestrially and/or orbitally based uses.

**Satellite earth station:** Any device or antenna, including associated mounting devices or antenna supporting structures, used to transmit or receive signals from an orbiting satellite, including television broadcast signals; direct broadcast satellite services; multichannel, multipoint distribution services; fixed wireless communications signals; and any designated operations indicated in the Federal Communications Commission’s Table of Allocations for satellite services.

**Scale:** The relationship of a building or structure to its surroundings with regard to its size, height, bulk, and/or intensity.

**School:** see *education institution*.

**Screen or screening:** Vegetation, fence, wall, berm, or a combination of any or all of these that partially or completely blocks the view of, and provides spatial separation of a portion or all of a site from, an adjacent property or right-of-way.

**Secondary arterial:** A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas, such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices, and are designed to carry traffic from collector streets to the system of primary arterials.

**Security:** The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

**Sedimentation basins:** Basins that remove pollutants by creating conditions under which suspended solids can settle out of the water column.

**Sedimentation facilities:** Facilities that include debris basins, sedimentation traps, berms, interceptor ditches, land terraces, hay bales, and vegetation ground cover.

**Self-storage facility:** Any building or group of buildings that is composed of contiguous individual rooms, which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

**Septic system:** A system for the treatment of sewage or waterborne wastes from a dwelling or business establishment. The septic tank system consists of a watertight drain line from the house to a watertight septic tank, a distribution box, and an absorption field consisting of trench, gravel, and a disposal line.

**Servant's quarters:** An accessory building or portion of a main building located on the same lot as the principal building, occupied only by such persons and their families as are employed full time by occupants of the principal residence.

**Setback:** The distance between a building and the street line nearest to the building. Establishes the minimum required yard and governs the placement of structures and uses on the lot.

**Setback line:** The distance from which a building or structure is separated from a designated reference point, such as a property line.

**Sexually oriented business:** see Adult use.

**Sex Shop:** See Adult Use.

**Shade tree:** A tree in a public place, a street, a special easement, or a right-of-way adjoining a street as provided in these regulations.

**Shallow Well Gas Well:** see *Natural Gas Well Drilling and Oil and Gas Development*

**Shop:** A use devoted primarily to the sale of a service or a product or products.

**Shopping center/mall:** An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common covered pedestrian mall. See also: Mall, Mini-mall.



**Shrub, large:** An upright plant growing to a mature height of more than 10 feet for use as a natural ornamentation or screening.

**Shrub, medium:** An upright plant growing to a mature height of 5 to 10 feet.

**Shrub, small:** An upright plant growing to a mature height of less than 5 feet.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign area:** The entire advertising area of a sign excluding any framing, trim, or moulding, and the supporting structure.

**Sign, billboard (off premise):** Any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, structure, or thing that directs the attention of the traveling public to a business, commercial product, commercial activity, or commercial service, which is conducted, sold, or offered at a location other than the premises on which the sign is located.

**Significant stand of trees or shrubs:** A clustering of at least three trees, of 2-1/2 inches of caliper or greater in size, and trunks spaced at no greater than 10-foot intervals.

**Single-family dwelling:** see: dwelling, single-family.

**Sidewalk:** The portion of a municipal street between the curb lines or lateral lines of a roadway and the adjacent property lines, which is improved and designed for or is ordinarily used for pedestrian travel.

**Sidewalk café:** An outdoor dining area that is located on a sidewalk and that contains removable tables, chairs, planters, or related appurtenances.

**Single-family dwelling:** See *dwelling, single-family detached* or *dwelling, single-family*.

**Single-family residential development:** A development consisting of a parcel, a lot, or lots, containing only one dwelling unit. The dwelling unit may be detached or attached, a townhouse, a small lot, a home, a manufactured home, or a mobile home.

**Site:** The location of a significant event, a prehistoric or an historic occupation or activity, or a building, structure, or cluster, whether standing, ruined, or vanished, and where the location itself maintains historical, architectural, archaeological, or cultural value regardless of the value of any existing structure.

**Site plan:** A scaled drawing for a project that shows the proposed development of the lots, parcels, or tracts, including elevations, sections, architectural, landscape, engineering, and ecological drawings as is required for development approval of the project.

**Skilled nursing facility:** A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but do not require the degree of care and treatment that a hospital requires.

**Slaughterhouse:** A place where livestock is slaughtered and may be cut, packaged, and/or processed.

**Slope:** The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

**Small animal breeder:** Any person or establishment that breeds and/or engages in the feeding or care of more than 10 adult animals other than fish that do not normally exceed 5 pounds at maturity, including, but not limited to, white rats, gerbils, guinea pigs, prairie dogs, gophers, chipmunks, frogs, lizards, the smaller nonpoisonous varieties of snakes, and nonpoultry fowl, such as parakeets, parrots, doves, pigeons, cockatiels, and canaries.

**Small tree:** A tree of a species that normally reaches a height of less than 30 feet upon maturity.

**Soils:** Dirt, sand, and other similar earth matter; rocks and other solid or semisolid mass material, whether produced by man or by nature.

**Solar energy collector:** A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

**Solar energy:** Radiant energy (direct, diffuse and reflected) received from the sun.

**Solar energy system:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**Solar farm:** One or more solar arrays or a power plant that uses solar arrays to convert sunlight into electricity.

**Solid waste:** Any garbage; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Does not include: solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by the PA Department of Environmental Protection; soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or waste materials that result from activities associated with the exploration, development, or production of oil or gas.

**Solid waste facility/disposal area:** All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste as approved by the Solid Waste Management Act (35 P.S. §6018.101-6018.1003). A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

**Solid waste transfer station:** A place or facility where waste materials are taken from smaller collection vehicles (e.g., compactor trucks) and placed in larger transportation vehicles (e.g., over-the-road tractors utilizing trailers that are top-loaded) for movement to designated disposal areas (usually landfills).

**Sportsman Club:** see club.

**Specified anatomical areas:** Any showing of either the adult or minor human male or female genitals, anus or pubic area with less than a full opaque covering, or the showing of the post-puberty female areola with less than a full opaque covering.

**Specified sexual activities:** Acts of masturbation, sexual intercourse, homosexuality or lesbianism, sodomy, fellatio, sadomasochism, or physical contact with a person's own or another's specified anatomical areas.

**Stable:** A building, structure or portion thereof which is used for the shelter or care of horses, cattle or other similar animals either permanently or transiently.

**Commercial boarding stable:** A building and premise used for the keeping and/or riding and training of horses or other similar animals for the purpose of monetary gain but prohibiting the rental of horses or other similar animals to the general public.

**Private stable:** A detached accessory building for the keeping of not more than two (2) animals, horses, cattle, or other similar animals owned by the occupants of the premises and not kept for hire or sale.

**Riding/renting stable:** A building and premise used for the keeping and/or riding and training of horses or other similar animals, which exceed a total number of ten animals per acre, for the purpose of monetary gain, including the rental of animals and instruction in the art of horseback riding to the general public.

**Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Street:** A right-of-way intended primarily for vehicular traffic and usually providing for utilities and pedestrian travel. A street may be designated by other appropriate names such as highway, thoroughfare, boulevard, parkway, road, avenue, drive, lane or place.

**Structure:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land including an addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios.

**Stealth wireless communications facility:** A wireless communications facility, ancillary appurtenance, or equipment enclosure that is not readily identifiable as such, and is designed to be camouflaged and aesthetically compatible with nearby uses. A stealth facility may have a secondary function, including, but not limited to, a church steeple, a bell tower, a spire, a clock tower, a cupola, a light standard, or a flagpole with a flag.

**Steep slope:** A slope exceeding 15 percent.

**Storage yard:** see Outdoor storage.

**Store:** A use devoted exclusively to the retail sale of commodity or commodities.

**Stormwater run-off:** That portion of the rainfall that is drained into the stormwater drainage system.

**Streamflow:** Water flowing in a natural channel, above ground.

**Street:** A right-of-way that provides a channel for vehicular circulation; is the principal means of vehicular access to abutting properties; and includes space for utilities, sidewalks, pedestrian walkways, and drainage. Any such right-of-way is included in this definition, regardless of whether or not it is developed. Includes any vehicular way that: is an existing state, county or municipal roadway; is shown upon a plat approved pursuant to law; or is approved by other official action; and includes the land between the street lines, whether improved or unimproved.

**Street, arterial:** A street use primarily for fast or heavy traffic and designated in the major thoroughfare plan as a primary arterial street, secondary arterial street, or expressway.

**Street, cul-de-sac:** A street with a single common ingress and egress and with a turnaround at the end.

**Street, dead-end:** A street with a single common ingress and egress.

**Street, elbow:** A turn in a minor street that includes extra pavement adequate for a turnaround.

**Street, intersection:** The area in which two or more streets cross at grade.

**Street lawn:** A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way, and that provides a transition from vehicular thoroughfares, pedestrian areas, or the built environment.

**Street link:** A section of a street on the major thoroughfare plan or a local street, which is defined by a node at each end or at one end. Stubs to adjacent property shall not be considered links.

**Street, local:** A street designed to provide vehicular access to abutting property and to discourage through traffic.

**Street, private:** Any street not dedicated to the public and to be maintained by a private entity.

**Street right-of-way width:** The distance between property lines measured at right angles to the centerline of the street.

**Street, stub:** A temporary portion of a street not greater than one lot's length allowed as a future connection to an adjacent subdivision or phase.

**Streetscape:** The general appearance of a block or group of blocks with respect to the structures, setbacks from public rights-of-way, open space, and the number and proportion of trees and other vegetation.

**Structure:** Anything constructed or a combination of materials that form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

**Storage well:** A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

**Accessory structure:** A detached structure customarily incidental and subordinate to the principle structure to the land.

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

**Temporary structure:** Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwelling or other structure of a similar character.

**Structure, completely enclosed:** A structure that is enclosed on all sides by permanent walls.

**Structured parking:** The provision of parking in a building involving at least two levels.

**Studio:** A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching or performance of fine arts, such as, but not limited to: drawing, vocal or instrumental music, painting, sculpting, photographing, and writing.

**Subdivision:** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

**Supply yard:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**Subdivide:** The act or process of creating a subdivision.

**Subdivider:** Any person who: having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision; engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing.

**Subdivision plat:** The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Armstrong County Planning Commission for approval and which, if approved, may be submitted to the Armstrong County Clerk or recorder of deeds for filing.

**Subject property:** The property subject to an application for development approval.

**Swimming pool:** Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six inches of water.

**Commercial swimming pool:** A swimming pool operated for profit and open to the public upon payment of a fee.

**Private swimming pool:** A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

**Public swimming pool:** A swimming pool operated by a unit of government for the general public.

**Semi-public swimming pool:** A swimming pool operated by a unit of government for the general public.

## **T-**

**Tattoo parlor:** An establishment whose principle business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

**Tavern/drinking establishment:** An establishment, including bars, engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises.

**Telephone exchange building:** A building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

**Temporary shelter:** A structure, or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

**Temporary storage unit:** Are transportable units designed and used primarily for the temporary short-term storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property. These are also known as portable on-demand storage structures.

**Terminal:** A facility where flammable or combustible liquids are received by a tank vessel, pipelines, a tank car, or a tank vehicle, and which are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. See *bulk plant*.

**Theater:** A building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

**Theater, drive-in:** An open lot or part thereof, with appurtenant facilities devoted primarily to the showing of movies or theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

**Tower:** A structure other than building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

**Township:** The Township of South Buffalo, Armstrong County, Pennsylvania.

**Townhouse:** A row of three or more attached, one-family dwellings, separated by vertical party of lot-line walls, and each having private entrances. See *dwelling, multi-family*.

**Tract:** A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interests.

**Transfer station:** A facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

**Transfer of development rights:** The conveyance of development rights by deed, easement, or other legal instrument, authorized by ordinance or regulation, to another parcel of land and the recording of that conveyance.

**Transitional home:** A residential facility, differentiated from facilities that provide on-site, supervised lodging for individuals who are required to reside at the facility as a term of parole or who are under mandatory supervision. Also called "rehab center" or "half-way house."

**Transit station/shelter:** A building, structure, or area designed and located on a busway or a light rail line, used for the picking up and/or dropping off of passengers, embarking, or changing transportation modes. Facilities and improvements may include shelters, benches, signs, structures, and other improvements that provide security, weather protection, and access to nearby services.

**Tree, ornamental:** A small to medium tree, growing to a mature height of 15 to 40 feet.

**Tree, shade:** A large tree growing to a height of 40 feet or more at maturity.

**Triplex:** See *dwelling, multi-family (triplex)*.

**Truck stop:** Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or

equipment for trucks and similar commercial vehicles; and which may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

**Truck terminal:** An area and building where trucks load and unload cargo and freight and where the cargo and freight maybe broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**Two-family dwelling:** see dwelling, multi-family (duplex).

## **U-**

**Underground storage tank:** Any one or a combination of underground storage tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10 percent or more below grade.

**Underground storage tank system:** An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary and tertiary containment equipment (as applicable), and all other related systems and equipment.

**University:** see College/university.

**Unreasonable economic hardship:** An economic burden imposed upon the owner that is unduly excessive and which prevents a realization of a reasonable rate of return on the value of his/her property as an investment, applying the test utilized by the state case law relating to zoning variances in determining the existence of an unreasonable economic hardship.

**Use:** The purpose for which a land or a structure is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.

## **V-**

**Variance:** A grant of the Zoning Hearing Board permitting a developer or an owner to use a property in a manner not wholly in accordance with this Ordinance because strict conformance would be an unusual hardship depriving the developer of reasonable use of the property, but specifying what modifications to strict conformance are permitted. The relief granted must be in accordance with the requirement set forth in the PA Municipalities Planning Code (Act 247).

**Vehicle sales/rental/service:** A facility for the sales, rental and service of automobiles, trucks, buses, boat and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

**Veterinary office/Animal hospital:** A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatments.

**Vested rights:** Right to initiate or continue the use or occupancy of land or structures, or to continue construction of a structure or initiation of a use, where such use, occupancy of land, or construction is prohibited by a law or regulation in effect. Includes rights obtained under principles of estoppel.

**Video viewing booths:** See Adult use.

**Violation:** The failure of a site, building, or structure to comply with the provisions of this Ordinance. A structure or other development without an approved development approval required by the provisions of this Ordinance and



the Armstrong County Subdivision and Land Development Ordinance is presumed to be in violation until such time as that documentation is provided.

## **W-**

**Warehouse:** A structure primarily used for the storage of goods and materials.

**Watercourse:** A natural or man-made channel through which stormwater flows.

**Watershed:** The area drained by a given stream, river, watercourse, or other body of water.

**Wetland:** Land that has a predominance of hydric soil; is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances supports a prevalence of that vegetation.

**Wheelchair ramp:** A sloping concrete pad constructed at crosswalks to assist mobility-impaired citizens using the sidewalks and crosswalks.

**Wholesale trade:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or to those acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wind energy system:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user.

**Wind energy tower:** Any structure with moveable blades that generates energy by way of wind power, where the power exceeds 100 kilowatts.

**Wind farm:** One or more wind towers used to generate electricity. This does not include a single, traditional small-scale windmill for use on a farm as an accessory use to the farming uses.

**Windmill:** An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

**Window:** An opening constructed in a wall, which admits light or air to an enclosure, is framed and spanned with glass, and which may be mounted to permit opening and closing.

**Winery:** A facility designed for crushing, pressing, fermenting, bottling and cellaring wine; that produces less than 50,000 cases of wine a year for retail and wholesale purposes

**Wireless communications:** Any personal wireless service, radio and television broadcast services, and any other radio frequency signals, including amateur radio. Does not include signals transmitted to or from a satellite earth station.

**Wireless communications facility:** Any staffed or unstaffed facility used for the transmission and/or reception of wireless communications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment enclosures, and may include an antenna supporting structure. The following developments will be considered as a wireless communications facility: antenna supporting structures (including replacements and broadcast); collocated antennas; roof-mounted structures; surface-mounted antennas; stealth wireless communications facilities; and amateur radio facilities.

**Wireless communications system:** Antenna support structures for mobile and land-based telecommunication facilities. Whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers, and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, and commercial radio service. This facility is inclusive of the placement of the above referenced equipment on a monopole tower, a steel lattice tower, and any self-supporting communications tower that does not utilize guy-wire support. This facility shall also allow as one of its components an unmanned equipment shelter.

**Wireless communications tower:** *see communications tower.*

**Woodland:** An area of contiguous wooded vegetation where trees are at a density of at least one 6-inch or greater caliper tree per 325 square feet of land and where the branches and leaves provide a continuous canopy. For purposes of submitting a site plan or preliminary plat, a "woodland" shall include areas with a continuous canopy of trees over an area of at least 20,000 square feet, and which may be delineated through an aerial photograph or a ground survey.

**X-**

**Y-**

**Yard:** An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this appendix.

**Z-**

**Zero lot line:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on or immediately adjacent to the lot line.

**Zero lot line development:** Any subdivision or site plan in which a single-family detached dwelling unit is sited on a lot in such a manner that one or more of the building's sides rests directly on or immediately adjacent to the lot line.

**Zoning classification:** The combination of controls and requirements that define the activities that may occur in a zoning district.

**Zoning district:** A contiguous area of land on all arts of which the same uniform controls and requirements for development apply.

**Zoning district boundary:** The perimeter line completely enclosing a zoning district.

**Zoning hearing board:** A board appointed by the Township Board of Supervisors to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the Township or regarding challenges to the decisions of the Zoning Officer.

**Zoning map:** The official plan of zoning districts in the municipality, a part of this Ordinance, showing precisely the boundaries and title of each zoning district.

**Zoning officer:** A person retained by the Township to enforce the regulations of this Ordinance, with power to halt illegal construction and issue permits.

**Zoning ordinance:** A document duly ordained for the Township by its Supervisors to regulate the use of land and structure throughout the entire Township and are subject to change in accordance with amendment procedures contained in the Pennsylvania Municipalities Planning Code (Act 247).

**Zoning permit:** A permit issued indicating that a proposed use, building or structure and authorizing an applicant to proceed with said use, building or structure.

**Zoological park:** Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domestic animals operated by any person, partnership or corporation, or any governmental agency.

## **Article III**

### **PERFORMANCE STANDARDS**

#### ***Section 301: Performance Standards***

No use of land or structures in any zoning district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or person. Further, every use of land or structure in any zoning district shall observe the following performance requirements:

- A. Fire protection and fire-fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
- B. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
- C. Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
- D. No emission of unpleasant gasses or other odorous matter shall be permitted in such quantities as to be offensive outside the parcel boundaries of the parcel on which such gases or odors originate.
- E. No emission of noxious, toxic or corrosive gasses or fumes injurious to persons, property or vegetation shall be permitted beyond the parcel boundaries of the parcel on which such emissions or fumes originate.
- F. The emission of gray smoke at a density greater than No. 1 on a Ringelmann Chart, published by the United States Bureau of Mines, shall not be permitted, except that gray smoke of a shade not darker than No. 2 may be emitted for not more than four (4) minutes in any thirty-minute period.
- G. Devices that produce objectionable direct or reflected glare on adjacent properties or thoroughfares shall not be permitted. For the purposes of this Ordinance, glare shall be defined as direct or indirect light from any source which exceeds one-half (1/2) foot candle on an adjacent property.
- H. No activities shall be permitted that carry objectionable substances onto adjacent properties due to erosion by wind or water.
- I. The discharge of all waste water shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA Act 537) and the South Buffalo Township Act 537 Plan, and shall comply with any and all applicable federal regulations.
- J. All sites in excess of one (1) acre where earth disturbance or excavation is proposed shall require a Soil Erosion and Sediment Control Plan approval by the Armstrong Conservation District prior to municipal approval and any issuance of permits.
- K. Development activities within the floodplain zone shall be regulated as per the South Buffalo Township Floodplain Ordinance and applicable Commonwealth regulations – specifically Chapter 105, Title 25 of the Pennsylvania Code.

- L. Development activities within high quality watershed floodplains and/or wetlands shall be restricted to required roads and public utilities as permitted by the appropriate state or county regulatory agency.
- M. Watercourses, wetlands, and ponds existing at the time of enactment of this Ordinance shall not be further developed, filled, piped or diverted except for required roads and public utilities as permitted by the appropriate state or county regulatory agency.
- N. All plans for development shall comply with the South Buffalo Township Stormwater Management Ordinance.
- O. In areas of steep slopes, the following standards shall apply:
  - a. Slopes of 16%-25%: No more than sixty (60) percent of such areas shall be developed, graded, or stripped of vegetation.
  - b. Slopes of 26% or greater: Earth disturbance activities shall not be permitted except as authorized by the Township Engineer.

## **Article IV**

### **ZONING DISTRICT REGULATIONS**

#### ***Section 401: Zoning District Regulations***

The provisions, restrictions, and controls intended to regulate development in each zoning district are set forth in the following sections and apply to all zoning districts, lots, buildings and structures, and uses.

#### ***Section 402: Explanation of Uses***

The classification of zoning uses established in this Ordinance, vary in their impact upon the Township and in the procedures by which the uses are authorized:

- A. Permitted Uses/Uses by Right: authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this Ordinance.
- B. Conditional Uses: authorized uses that may be granted or denied by the Governing Body in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.
- C. Uses not Specifically Listed: where a use is proposed, the Zoning Officer shall make the determination as to whether a use is similar in nature and intent to those already listed in a Zoning District.
- D. Any use that is not specifically listed is not permitted (See Appendices A and B).

#### ***Section 403: Application of Regulations***

The regulations established by this Ordinance within each District shall apply uniformly to all buildings, structures, land and uses with that District and are subject to the following provisions:

- A. No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the District in which it is located.
- B. Uses shall be according to the definitions herein. For those uses not defined herein, their meanings shall be according to the common meaning of the term(s).
- C. Only one principal use per lot in any District shall be permitted.
- D. Provisions for the following shall be specified in subsequent articles and sections herein and shall be determined according applicable Zoning Districts: minimum lot area; maximum lot coverage by buildings and structures; minimum depth of front, rear, and side yards; maximum height of structures; and other bulk requirements.
- E. No lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.

- F. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- G. All territory which may hereafter be merged or annexed to South Buffalo Township shall be placed in the R-1 Single Family Residential Zoning District until the Township's Planning Commission has made a thorough study of the newly annexed area. The study and recommendation by the Township's Planning Commission shall take place within ninety (90) days from the time of annexation. The Township Board of Supervisors shall adopt a final zoning district classification for the newly annexed territory pursuant to the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code.

***Section 404: General Provisions***

- A. Except as provided in this Ordinance, no buildings or part thereof or other structure shall be erected, altered to or enlarged, nor shall any land, buildings, structures, or premises be used, designed, or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such located.
- B. Corner lots along street intersections shall have no obstruction to vision (with exception to an existing building) and no obstruction to vision shall be erected or maintained on any lot within the triangle formed by the right-of-way lines of such lot and a line drawn between points along such right-of-way lines.
- C. The front yard for through-lots in which a single lot under single ownership extends from a street to an alley shall be determined by the street which is widest.
- D. The required area, space or dimension of any zoned lot, yard, parking area, or other space shall not be reduced to less than the minimum required by this Ordinance; provided such is, at the time of adoption of this Ordinance, less than the minimum required by this Ordinance (said area of dimension may be continued but shall not be further reduced).
- E. Projections of chimneys, canopies, eaves, cornices, fire escapes, bay windows, balconies, or cantilevered structures may not extend in excess of two feet (2') into any front, side or rear yard setback.
- F. Buildings and structures shall not exceed the maximum height for the zoning district in which it is located (with exceptions for chimneys, exhaust stacks, church steeples, flagpoles, water tanks, silos, roof-mounted air handling equipment, elevator shafts, and communications equipment meeting F.C.C. regulations).

***Section 405: R-1 Residential District***

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the R-1 Residential District are intended to provide for low to moderate density housing in single family residential neighborhoods where such development presently exists together with activities that are compatible and normally associated with residential neighborhoods while affording the protection of neighborhood quality and conservation of natural features.

- A. Permitted, Conditional and Non-Permitted Uses

See Appendix A



B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Permitted Principle and Conditional Uses in the R-1 District (unless otherwise specified in Article VII of this Ordinance)

R-1 District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	21,780 per dwelling	100'	35'	15%*	Front: 40' Side: 15' Rear: 35'
Public Sewer with On-lot Water	32,000 per dwelling	100'	35'	15%*	Front: 40' Side: 15' Rear: 35'
On-lot Septic with Public Water	43,560 per dwelling	100'	35'	15%*	Front: 40' Side: 15' Rear: 35'

\* Includes all uses, buildings/structures and impervious surfaces

C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the R-1 District (unless otherwise specified in Article VII of this Ordinance).

Maximum Structure Size	Maximum Structure Height	Minimum Setbacks
		Front      Side      Rear
500 Sq. Ft.	20'	*/◇      5'      5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

E. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.

**Section 406: R-2 Residential District**

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the R-2 Residential District are intended to provide for alternatives to single family development within areas that have acceptable levels of infrastructure and access or areas that are likely to be served by acceptable levels of infrastructure and access together with medium residential development that is consistent with existing development in surrounding areas while affording the protection of neighborhood quality and conservation of natural features.

A. Permitted, Conditional and Non-Permitted Uses

See Appendix A

B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Permitted Principle and Conditional Uses in the R-2 District (unless otherwise specified in Article VII of this Ordinance).

R-2 District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	15,000 per dwelling	100'	35'	25%*	Front: 40' Side: 15' Rear: 35'
Public Sewer with On-lot Water	25,000 per dwelling	100'	35'	25%*	Front: 40' Side: 15' Rear: 35'
On-lot Septic with Public Water	43,560 per dwelling	100'	35'	25%*	Front: 40' Side: 15' Rear: 35'

\* Includes all uses, buildings/structures and impervious surfaces

C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the R-2 District (unless otherwise specified in Article VII of this Ordinance)

Maximum Structure Size	Maximum Structure Height	Minimum Setbacks
		Front      Side      Rear
500 Sq. Ft.	20'	*/◇      5'      5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

E. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.

**Section 407: R-3 Residential District**

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the R-3 Residential District are intended to provide for locations for higher density residential development within areas that have acceptable infrastructure and access or areas that are likely to be served by acceptable levels of infrastructure and access; together with areas that are consistent with existing development in surrounding areas. All types of residential uses are permitted in this district with the highest density development in this district being contingent upon the provisions of public water and sewer services.

A. Permitted, Conditional and Non-Permitted Uses

See Appendix A

B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Permitted Principle and Conditional Uses in the R-3 District (unless otherwise specified in Article VII of this Ordinance)

**R-3: Permitted Principle and Conditional Uses**

R-3 District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	15,000 per dwelling	75'	35'	40%*	Front: 40' Side: 15' Rear: 35'
Public Sewer with On-lot Water	25,000 per dwelling	75'	35'	40%*	Front: 40' Side: 15' Rear: 35'
On-lot Septic with Public Water	43,560 per dwelling	75'	35'	40%*	Front: 40' Side: 15' Rear: 35'

\* Includes all uses, buildings/structures and impervious surfaces

C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the R-3 District (unless otherwise specified in Article VII of this Ordinance).

**R-3: Accessory Uses**

Maximum Structure Size	Maximum Structure Height	Front	Minimum Setbacks	
			Side	Rear
500 Sq. Ft.	35'	*/◇	5'	5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

E. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.

## Section 408: RA Rural Agricultural District

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the RA Rural Agricultural District are intended to provide, encourage, and protect lands suitable for farming, dairy, livestock, and other agricultural activities while providing for limited, low density residential development. The intent of the Agricultural District is to protect land used for farmland, food production and other agricultural uses, open space, scenic landscapes and from encroachment of untimely and unplanned development and to protect the rural character of the land and encourage rural conservation by preserving natural features, such as wetlands, watersheds, waterways, and forests.

### A. Permitted, Conditional and Non-Permitted Uses

See Appendix B

### B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Principle and Conditional Uses in the RA District (unless otherwise specified in Article VII of this Ordinance)

RA District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	2 acres per dwelling	200'	35'	60%*	Front: 40' Side: 25' Rear: 25'
Public Sewer with On-lot Water	2 acres per dwelling	200'	35'	60%*	Front: 40' Side: 25' Rear: 25'
On-lot Septic with Public Water	2 acres per dwelling	200'	35'	60%*	Front: 40' Side: 25' Rear: 25'

\* Includes all uses, buildings/structures and impervious surfaces

### C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the RA District (unless otherwise specified in Article VII of this Ordinance)

Maximum Structure Size	Maximum Structure Height	Minimum Setbacks		
		Front	Side	Rear
500 Sq. Ft.	35'	*/◇	5'	5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

### D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

### E. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.

## Section 409: C-1 Neighborhood Local Service Commercial District

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the C-1 Neighborhood Local Services Commercial District are intended to promote the development of land within older, built-up areas by permitting a mix of land uses within areas that have access to arterial roads, existing public infrastructure (water and sewer) or where public infrastructure may be extended or provided. Development shall be compatible with the established character of the community and provide additional development and/or redevelopment potential for commercial sites to serve the immediate daily needs of the surrounding neighborhoods and villages.

### A. Permitted, Conditional and Non-Permitted Uses

See Appendix B

### B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Principle and Conditional Uses in the C-1 District (unless otherwise specified in Article VII of this Ordinance)

C-1 District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	15,000	75'	35'	40%*	Front: 40' Side: 15' Rear: 35'
Public Sewer with On-lot Water	25,000	75'	35'	40%*	Front: 40' Side: 15' Rear: 35'
On-lot Septic with Public Water	43,560	75'	35'	40%*	Front: 40' Side: 15' Rear: 35'

\* Includes all uses, buildings/structures and impervious surfaces

### C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the C-1 District (unless otherwise specified in Article VII of this Ordinance)

Maximum Structure Size	Maximum Structure Height	Minimum Setbacks
		Front      Side      Rear'
500 Sq. Ft.	35'	*/◇      5'      5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

### D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

### F. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.

## Section 410: I-1 Light Industrial District

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the I-1 Light Industrial District are intended to provide a flexible zoning district in specific areas located along major roadways, to allow for a variety of planned light industrial, commercial, office, warehousing, and multi-family residential where adequate highway, rail, and/or river access is available - subject to regulations designed to protect the environment and the health, safety and welfare of residents.

### A. Permitted, Conditional and Non-Permitted Uses

See Appendix B

### B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Principle and Conditional Uses in the I-1 District (unless otherwise specified in Article VII of this Ordinance)

I-1 District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	20,000	100'	35'	50%*	Front: 40' Side: 20' Rear: 35'
Public Sewer with On-lot Water	25,000	100'	35'	50%*	Front: 40' Side: 20' Rear: 35'
On-lot Septic with Public Water	43,560	100'	35'	50%*	Front: 40' Side: 20' Rear: 35'

\* Includes all uses, buildings/structures and impervious surfaces

### C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the I-1 District (unless otherwise specified in Article VII of this Ordinance)

Maximum Structure Size	Maximum Structure Height	Minimum Setbacks
		Front      Side      Rear
500 Sq. Ft.	35'	*/◇      5'      5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

### D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

### E. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.

## Section 411: I-2 General Industrial District

In addition to the purposes set forth in Article 1, Section 101, the provisions set forth herein for the I-2 General Industrial District are intended to provide for industrial activities in areas affording adequate highway and/or railroad access that are of an intrusive nature and are normally not compatible with and/or detract from the viability of other uses (due to high levels of noise, vibrations, odor(s), aesthetics and other related considerations) and to reduce conflict(s) with residential, commercial and agricultural areas

### A. Permitted, Conditional and Non-Permitted Uses

See Appendix B

### B. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Principle and Conditional Uses in the I-2 District (unless otherwise specified in Article VII of this Ordinance)

I-2 District	Minimum Lot Size	Minimum Lot Width (at street)	Maximum Building Height	Maximum Impervious Coverage	Minimum Setbacks
Public Sewer or Public Water	25,000	100'	35'	50%*	Front: 40' Side: 20' Rear: 35'
Public Sewer with On-lot Water	35,000	100'	35'	50%*	Front: 40' Side: 20' Rear: 35'
On-lot Septic with Public Water	60,000	100'	35'	50%*	Front: 40' Side: 20' Rear: 35'

\* Includes all uses, buildings/structures and impervious surfaces

### C. Lot Size, Lot Width, Structure Height, Lot Coverage and Setback Requirements for Accessory Uses in the I-2 District (unless otherwise specified in Article VII of this Ordinance)

Maximum Structure Size	Maximum Structure Height	Front	Side	Rear
500 Sq. Ft.	35'	*/◇	5'	5'

\*No accessory use building/structure shall be permitted to be located in front of or closer to the front property boundary than the principle use except as noted below.

◇ Corner lots shall be considered to have two (2) front yards.

### D. Front Yard Accessory Use Exceptions to Setback Requirements:

Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures (such as a garden trellis, sidewalk archway, and open gazebo) shall have no minimum front yard setback requirement except those established by township or state road right-of-ways.

### E. Parking and signage for accessory uses shall conform to the requirements established in Article VII of this Ordinance.



## **Article V**

### **Overlay Districts**

#### ***Section 501: Airport Overlay Zone (AOZ)***

This section is intended to comply with Federal Aviation Agency Regulation FAR-77 and all other applicable federal and state laws regulating hazards to air navigation pursuant to the authority conferred by 1984 PA Laws 164 codified at 74 Pa. Cons. Stat. §5912 et. Seq.

According to the Federal Bureau of Aviation, certain airport hazards reduce the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein. Therefore, the creation or establishment of an airport hazard is a public nuisance and may injure the region served by the airport.

#### **A. General Purpose**

It is necessary in the interest of public health, public safety and general welfare that the creation or establishment of airport hazards be prevented. The prevention of these airport hazards shall be accomplished, to the extent legally possible, by the exercise of police power of South Buffalo Township. The South Buffalo Township Board of Supervisors shall regulate and prevent the creation or establishment of airport hazards and shall have the authority to mitigate and require the marking and lighting of existing airport hazards and shall have the authority to eliminate and have removed, airport hazards constructed after the effective date of this Ordinance.

The Airport Overlay Zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern.

#### **B. Purpose of Overlay District**

The purpose of this section is to: create an airport district overlay that considers safety issues around airports located in South Buffalo Township and adjacent municipalities whose Airport Hazard Zones are located in South Buffalo Township; to regulate and restrict the heights of constructed structures and objects of natural growth; to create appropriate zones and establish the boundaries thereof and provide for changes in the restrictions and boundaries of such zones; and to create the permitting process, enforcement of, assessment of penalties, the appeals process, and quasi-judicial review process.

#### **C. Relation to Other Zoning Districts**

An Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

#### **D. Airport Hazard Zones in South Buffalo Township for Airports Located in an Adjacent Municipality**

Where Airport Hazard Zones are located in South Buffalo Township for airports located in adjacent municipalities, the provisions of this Ordinance shall apply.

#### **E. Definitions**

The following words and phrases when used in this ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

**Airport Elevation:** The highest point of an airport's useable landing area measured in feet above sea level.

**Airport Hazard:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

**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 and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

**Approach Surface (Zone):** An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach (see Figure 1 of this Article).

**Conical Surface (Zone):** An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet (see Figure 1 of this Article).

**Department:** Pennsylvania Department of Transportation.

**FAA:** Federal Aviation Administration of the United States Department of Transportation.

**Height:** For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**Horizontal Surface (Zone):** An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach (see Figure 1 of this Article).

**Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**Nonconforming Use:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

**Non-Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

**Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Primary Surface (Zone):** An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on

the primary surface is the same as the elevation of the nearest point on the runway centerline (see Figure 1 of this Article).

**Runway:** A defined area of an airport prepared for landing and takeoff of aircraft along its length.

**Structure:** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

**Transitional Surface (Zone):** An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1) (see Figure 1 of this Article).

**Tree:** Any object of natural growth.

**Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

F. Establishment of Airport Zones

1. Airport Hazard Zones

There are hereby created and established certain zones within the Airport District Overlay defined in this Article and as depicted in Figure 1 of this Article, and as illustrated on the Official Zoning Map and the PA DOT Airport Hazard Area Maps for South Buffalo Township, hereby adopted as part of this ordinance, which include:

- a. Approach Surface Zone
- b. Conical Surface Zone
- c. Horizontal Surface Zone
- d. Primary Surface Zone
- e. Transitional Surface Zone

G. Permit Applications

1. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation by submitting PA DOT Form AV-57 to obtain an obstruction review of the proposal. The applicant shall provide the Department's Bureau of Aviation a minimum of 30 days to review and respond to the application request prior to the proposed construction start date.

The PA DOT Bureau of Aviation shall provide the applicant with a determination:

- a. Provided the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance.

- b. Provided the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations.
  - c. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
2. Prior to the erection of a new structure, any addition to an existing structure, or the erection and expansion of any object (natural or manmade), the Applicant shall submit the following completed forms for review and approval to South Buffalo Township:
- a. Zoning Application and all required documents.
  - b. Building Permit Application and all required documents.
  - c. PA DOT Bureau of Aviation Form AV-57.
  - d. PA DOT Bureau of Aviation determination.
  - e. All other permits as may be required by the Pennsylvania Department of Environmental Protection.
  - f. All other permits as may be required by other regulating agencies.
  - g. Where Airport Hazard Zones are located in South Buffalo Township for airports located in adjacent municipalities, the Applicant shall submit to South Buffalo Township, copies of all correspondence and approvals as may be required by the adjacent municipality wherein the Airport is located.

#### H. Variances

- 1. Requests for a variance shall be submitted to the South Buffalo Township Zoning Hearing Board pursuant to the procedures for a variance as described in the Pennsylvania Municipalities Planning Code.
- 2. All applications for a Variance from the South Buffalo Township Zoning Hearing Board shall also include the submission of all documents as outlined in this Ordinance and:
  - a. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced).
  - b. Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space.
  - c. In particular, the request for a variance shall consider which of the following categories the FAA has categorized the proposed construction:
    - i. No Objection - The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
    - ii. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted

contingent upon implementation of mitigating measures as described in this Ordinance.

- iii. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Ordinance.

#### I. Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

#### J. Height Limitations

No structures shall be erected, altered or maintained, and no tree shall be allowed to grow to a height in excess of 35'.

#### K. Pre-Existing Non-Conforming Uses

1. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use.
2. No non-conforming use (subject to the underlying zoning district) shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use may only be reestablished consistent with the provisions herein.
3. Notwithstanding the preceding subsection, the owner of any existing legal nonconforming structure or tree is required hereby to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions.
4. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

#### L. Future Uses

No material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created hereby unless a permit therefore shall have been applied for and granted.

#### M. Obstruction Marking and Lighting

Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in this Article, to require the owner of the structure or object of

natural growth in question or to require the person/applicant requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

N. Violations

Subject to those provisions as established in this Ordinance.

O. Appeals

Subject to those provisions as established in this Ordinance.

P. Conflicting Regulations

Where there does exist a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

Q. Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Figure 1: FAR Part 77 Surface Areas

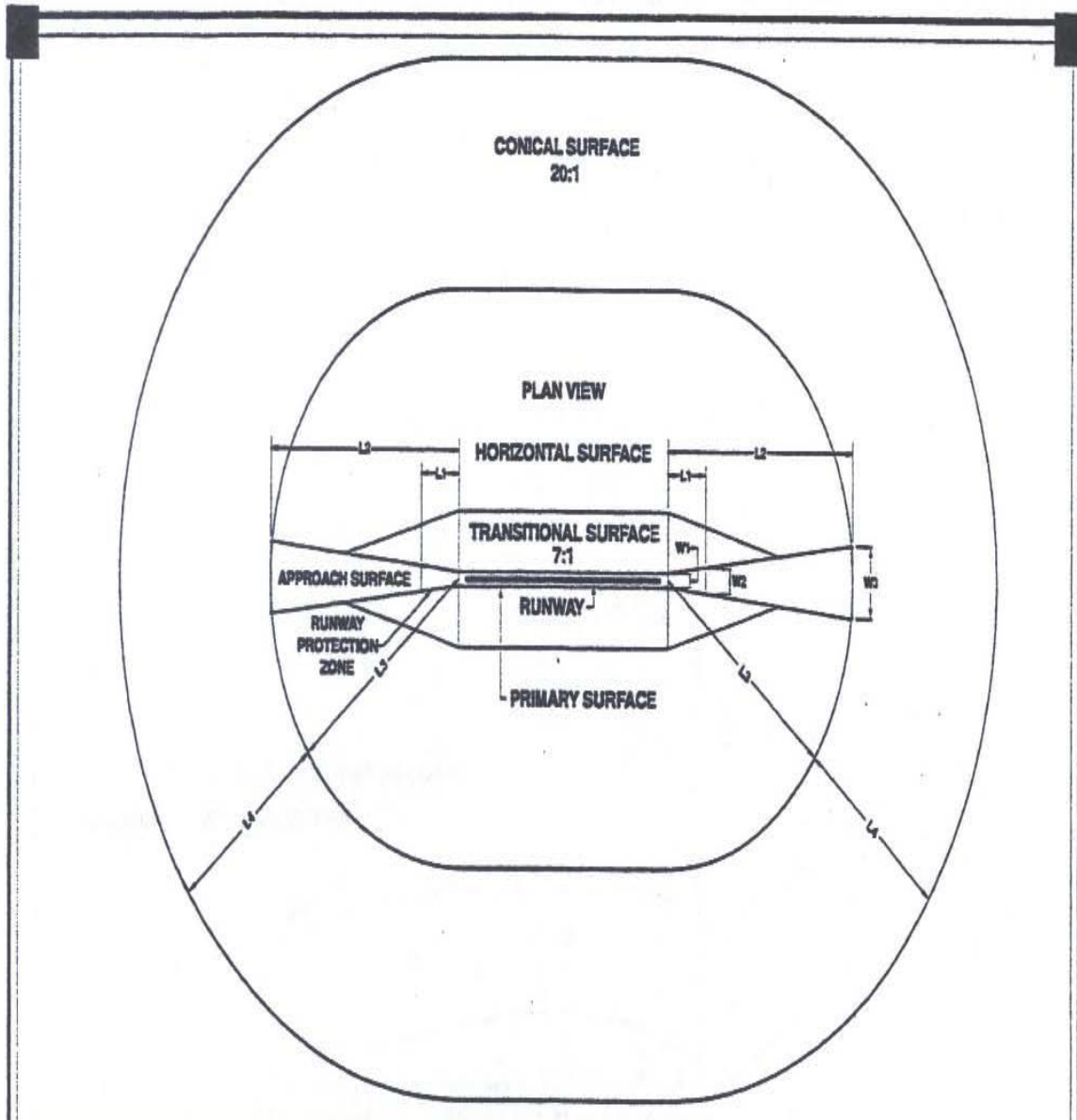




Figure 2: FAR Part 77 Imaginary Surfaces (Dimension Requirements)

FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS										
Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes <sup>2</sup>	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes <sup>3</sup>	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet  
 2 - Less than 12,500 lbs maximum certified takeoff weight  
 3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1  
 NP = Nonprecision approach 34:1  
 NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1  
 P = Precision approach 50:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration



Pennsylvania Land Use  
 Compatibility  
 Guidelines



## FAR PART 77 SURFACES AND DIMENSION REQUIREMENTS

Exhibit  
 3

## ***Section 502: Planned Unit Development (PUD) Overlay Zone***

### **A. Purpose and Intent**

1. The purpose of a Planned Unit Development (PUD) is to promote economical and efficient use of land so designed to preserve natural qualities and open space while providing a comfortable blend of housing types, limited commercial amenities, limited light industrial uses and high quality oriented community facilities.
2. This Section is intended to provide a consistent method for the submission and review of PUD Plans that propose a mix of residential, nonresidential, and commercial and light industrial purposes, thereby reducing delays in the review and approval processes.

### **B. Specific Purposes:**

1. To respond to the growing demand for housing of all types and design;
2. To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design, and layout of buildings;
3. To encourage the conservation of natural features and more efficient use of auxiliary open space;
4. To provide greater opportunities for better housing and recreation to all citizens and residents of South Buffalo Township.
5. To encourage a more efficient use of land for public services that reflect changes in the technology of land development so that economies secured may benefit those who need homes; and
6. To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

### **C. Applicability**

Planned Unit Developments shall meet the minimum standards as provided in the Armstrong County Subdivision and Land Development Ordinance and shall be located according to PUD type within specific South Buffalo Township Zoning Districts as follows (see also Appendix C):

1. PUD: (PRD) are conditional uses by right in the R-3 Multi-Family District(s); and are conditional uses in the RA Rural Residential Zoning District(s), the C-1 Neighborhood Local Service Commercial District(s), and the I-1 Light Industrial District(s).
2. PUD: (PNRD) are conditional uses by right in the C-1 Neighborhood Local Service Commercial District(s), the I-1 Light Industrial District(s) and the I-2 General Industrial District(s)
3. PUD: (PBTP) are conditional uses by right in the C-1 Neighborhood Local Service Commercial District(s) and the I-1 Light Industrial Districts; and conditional uses in the I-2 Heavy Industrial District(s).

4. PUD: (PRNRD) are conditional uses in the RA Rural Residential Zoning District(s), the C-1 Neighborhood Local Service Commercial District(s) and the I-1 Light Industrial District(s).

#### D. Definitions

1. Planned Business and Technology Park (PBTP): A property or group of contiguous properties planned and developed as a unified whole to provide lots for a variety of businesses and industrial uses, including but not limited to the following uses: assembly of products completely within an enclosed building, open space, including parks and similar noncommercial recreational uses; and businesses, professional, commercial offices, such as, but not limited to: data storage, telecommunications facilities, corporate financial institutions, daycare facilities, engineering facilities, airports and aviation related facilities, and research laboratories including biotechnical uses.
2. Planned Non-residential Development (PNRD): An area of land controlled by a single landowner and developed as a single entity for a combination of non-residential uses; and the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance but which complies with this Ordinance.
3. Planned Residential Development (PRD): An area of land, controlled by a single landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses; and the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the South Buffalo Township Zoning Ordinance.
4. Planned Residential and Non-residential (Mixed Use) Development (PRNRD): An area of land, controlled by a single landowner and developed as a single entity for a combination of residential and non-residential uses; and the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance but which complies with this Ordinance.
5. Planned Unit Development (PUD): A designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and light industrial uses, all within one contained development or subdivision. Planned Unit Development is the broad term used to include the more specific types of development such as a Planned Business and Technology Park (PBTP), Planned Non-residential Development (PNRD), and Planned Residential Development (PRD).

#### E. Minimum Standards

- a. Comprehensive Plan: A Planned Unit Development must be in conformity with the objectives of the Comprehensive Plan of South Buffalo Township.
- b. Site and Ownership
  - i. The site of the Planned Unit Development must be under single ownership and/or unified control.
  - ii. Public easements or private roads shall not be construed as an interruption or division of a tract of land proposed for a PUD.
  - iii. The minimum land area for a PRD shall be ten (10) contiguous acres.
  - iv. The minimum land area for a PNRD shall be fifty (50) contiguous acres.

- v. The minimum land area for a PBTP shall be fifty (50) contiguous acres.
  - vi. The minimum land area for a PRNRD shall be fifty (50) contiguous acres.
  - vii. Public sewage and public water service shall be supplied to each principle use building or structure.
  - viii. The developer/applicant shall provide within a PUD, a stormwater management system which shall be of sufficient size and design to collect, carry-off and dispose of all predictable stormwater run-off within the PUD and shall be so constructed as to conform with the South Buffalo Township Stormwater Management Ordinance and applicable statues, ordinances and regulations of Armstrong County and the Commonwealth of Pennsylvania.
  - ix. A PUD shall be related to the local highway system and the developer/applicant must obtain a highway occupancy permit for any ingress/egress onto and from a state road.
  - x. The developer/applicant must demonstrate to the satisfaction of the Township Planning Commission and the Township Board of Supervisors, that traffic circulation problems will not be created.
  - xi. The developer/applicant must demonstrate that the proposed internal road system is adequate in terms of traffic volume capacity.
  - xii. The developer/applicant shall provide evidence of full ownership interest in the land, which for the purposes of this Ordinance shall be either legal title or an executed sales agreement evidencing equitable title in the land.
  - xiii. A PUD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan.
- c. **Compatibility:** The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties. In addition, the Planned Unit Development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located.
  - d. **Need:** The Planned Unit Development must be of a character and contain such uses that are needed in the area of the proposed project.
  - e. **Density:** The net density of a Planned Unit Development (either in dwelling units - for residential uses, or in floor area - for all other uses) shall exceed the net density regulations imposed by the underlying zoning district upon approval of the Township Board of Supervisors.
  - f. **Space between Buildings**
    - i. Single Family Dwellings: Twenty (20) feet between each contiguous structure.
    - ii. One-Story Single Family Attached Dwellings such as duplexes or townhouses: Thirty (30) feet between each contiguous structure.
    - iii. Two-Story Single Family Attached Dwellings such as duplexes or townhouses: greater than or equal to height of structure between each contiguous structure.

- iv. Structures that are for other than residential uses: Thirty (30) feet between each contiguous structure.
  - v. Residential and Non-residential structures: Fifty (50) feet between such uses with exception for PRNRD whereby residential uses and non-residential uses are intended to reside adjacent or above (in the instance of apartments over store fronts) to one another.
- g. Yards
- i. The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the underlying zoning district.
  - ii. Buildings of more than twenty-four (24) feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.
  - iii. In circumstances where the Township Board of Supervisors, acting upon the recommendation of the Township Planning Commission, in reviewing a particular Preliminary Planned Unit Development Plan, may upon ample evidence of exceptional design or construction features, which are deemed both architecturally and environmentally superior, which include the provision of an inordinate amount of amenities, which are in strict compliance with local building, fire, health, and other application codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of the Township, may lower the required yards along the periphery of the Planned Unit Development from the standard required in the underlying zoning district to the extent deemed appropriate in direct relationship to the exceptional architecturally and environmental superior design and construction features.
- h. Parking Requirements
- i. Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of this Ordinance unless changes are warranted by the particular characteristics of the proposed Planned Unit Development and upon approval by the Township Board of Supervisors.
  - ii. Additional parking space (if warranted by the particular characteristics of the proposed PUD) for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in Planned Unit Developments, shall be required by the Township Board of Supervisors, acting upon the recommendation(s) of the South Buffalo Township Planning Commission.
- i. Traffic: Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestion.
- j. Utilities: All PUDs must be served by underground public utilities.
- k. Signs: All permitted signs shall be erected and maintained in accordance with the provisions contained in this Ordinance.
- l. Loading/Unloading for Non-residential Uses: All PUD plans shall comply with the loading/unloading provisions contained in Article VI of this Ordinance.
- m. Design Standards: The provisions of this Ordinance and the Armstrong County Subdivision and Land Development Ordinance, shall be adhered to, unless a waiver is



granted by the Armstrong County Planning Commission and the South Buffalo Township Board of Supervisors.

- n. Departure from Standards: The Planned Unit Development may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content regulations of this Ordinance to the extent specified in the preliminary plat and documents authorizing the Planned Unit Development so long as the Planned Unit Development provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of exceptional amenities, design excellence, etc. The waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development as well as to the general community (e.g., waiver of yard requirements might result in more usable open space). Departure from any requirement specified in this Ordinance or other local and county ordinances and regulations is a privilege, and shall be granted only upon recommendation of the Planning Commission and approval by the Township Board of Supervisors and the Armstrong County Planning Commission.

#### F. Review and Procedure and Supporting Documentation

The PUD provisions of this Ordinance shall be applied by the Township Planning Commission and municipal consultants which shall review all applications on the basis of specified standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures. The Board of Supervisors shall conduct public hearings and have final authority to approve, modify or disapprove a PUD.

#### G. Four Step Review Process

A developer shall obtain required approvals for a PUD by following a four (4) step review process which shall consist of a Pre-Application Conference, a Preliminary Development Plan Review, Public Hearings, and a Final Development Plan Review.

##### 1. Pre-Application Conference

Each applicant may confer with the Township Secretary to schedule a Pre-Application Conference. It shall be the responsibility of the Township Secretary to arrange a conference with the Planning Commission. The conference shall include members of the Planning Commission and designated members of the Board of Supervisors. The Solicitor, local utility service representatives, Township Engineer, Police Department and others deemed appropriate may also be requested to attend such conference. Items to be addressed at the pre-application conference shall include but not be limited to the following:

- a. Location of the proposed PUD site;
- b. Points of access and road names;
- c. Public sewage and water services, other utilities and location of said services/utilities;
- d. Topography of the proposed PUD site;
- e. Conceptual stormwater management plan; and
- f. Significant stands of trees, sizes and species.

##### 2. Preliminary Development Plan (Application for Tentative Approval)

Within one hundred and twenty (120) days following the Pre-Application Conference, five (5) copies of a Preliminary Development Plan shall be presented in sufficient detail to provide the

Planning Commission with a major substantive review of the proposed PUD. Such Preliminary Development Plan shall constitute the Application for Tentative Approval. The following documentation shall be submitted in support of the Application:

- a. Written Documents:
  - i. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
  - ii. A statement identifying the planning objective(s) to be achieved by the PUD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development.
  - iii. Data indicating the following - total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures (in both square footage and percentage), approximate gross and net residential densities, total amount of open space (including a separate figure for common open space and usable open space), economic feasibility studies or market analyses where reasonably necessary and other studies as may be requested by the Planning Commission.
- b. Location Map - This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings and structures within five hundred feet (500') of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.
- c. Site Plan and Supporting Maps - A site plan at a scale no smaller than one inch equals fifty feet (1"=50') and any maps necessary in the opinion of the Planning Commission on a scale sufficient to show the major details of the proposed PUD, which site plan and maps shall also contain the following minimum information:
  - i. The existing and proposed site conditions including contours at a minimum intervals of two feet (2'), watercourses, flood plains, forest cover, soils, and natural features considered significant by the Planning Commission.
  - ii. Proposed lot lines and subdivision plan, (where applicable).
  - iii. The location of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units and density per type
  - iv. Preliminary elevations and/or architectural renderings of typical structures shall be provided. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements.
  - v. The location and size, in acres and square feet, of all areas to be conveyed, dedicated or reserved as common open space.
  - vi. The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development).
  - vii. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.



- viii. The existing and proposed utilities systems, including sanitary sewers, storm sewers, water, electric, gas, cable television and telephone lines.
  - ix. The existing and proposed common open space and buffers.
  - x. Any additional information required by the Planning Commission as necessary to evaluate the character and impact of the proposed PUD.
- d. Projected Scheduling of Stages - In the case of development plans which call for development over a period of years, a schedule showing such stages shall be provided. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval or as each stage of development is completed, whichever shall first occur.

### 3. Public Hearings and Approval:

- a. Within sixty (60) days following receipt of a completed Application for Tentative Approval of a PUD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Board of Supervisors. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.
- b. The Board of Supervisors may offer mediation as an aid in completing proceedings authorized by this Section.
- c. The Board within sixty (60) days following the conclusion of the public hearing shall by official written communication to the developer, either:
  - i. Grant tentative approval of the Preliminary Development as submitted;
  - ii. Grant tentative approval of the Preliminary Development Plan subject to specified conditions not included in the Preliminary Development Plan as submitted;
- d. Failure to so act within such period of time shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as submitted. In the event, however, that the tentative approval of the Preliminary Development Plan is granted subject to specified conditions, the developer may within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify such Board of his refusal to accept all such conditions, in which event tentative approval of the Preliminary Development Plan is deemed to be denied. In the event the developer does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the Preliminary Development Plan, with all said conditions, shall stand as granted.
- e. 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 shall set forth the reasons for the grant, with or without conditions, or for the denial of the application. Said communication shall set forth specifically 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:
  - i. In those respects in which the development is or is not consistent with the comprehensive plan for the development of the Township.
  - ii. 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 reasons why such departures are or are not deemed to be in the public interest.

- iii. 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;
  - iv. 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;
  - v. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
  - vi. 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.
- f. In the event a Development Plan is granted tentative approval, with or without conditions, the Board of Supervisors 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 three (3) 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.
- g. Criteria for Tentative Approval
- iii. The Board of Supervisors may give tentative approval to a Preliminary Development Plan, if and only if, it is found to meet the following criteria:
    - aa. The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this Ordinance, preserves the Community Development Objectives of this Ordinance, meets all the standards and provisions of the Armstrong County Subdivision and Land Development Ordinance, is conditionally approved per the approval of the South Buffalo Township Board of Supervisors and the Armstrong County Planning Commission, and complies with all relevant county and state regulations.
    - bb. Where the proposed Preliminary Development Plan varies from this Ordinance and the Armstrong County Subdivision and Land Development Ordinance, but wherein the variation is in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.
    - cc. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance, and the amount and extent of improvements of the remaining land are

appropriate with respect to the purpose, use and type of residential development proposed.

- dd. The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
  - ee. The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood in which it is located.
  - ff. The proposed Preliminary Development Plan will afford adequate protection of natural water courses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation and flooding.
  - gg. In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and of the residents of the PUD in the integrity of the Final Development Plan.
  - hh. The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.
  - ii. In the event that a Preliminary Development Plan is given tentative approval, and thereafter, but prior to final approval, the landowner shall elect to abandon said Preliminary Development Plan and shall so notify the Board of Supervisors, 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 revoked. All that portion of the area included in the development plan for which approval has been revoked, shall be subject to all Township Ordinances otherwise applicable, in effect at that time, and the same shall be noted on the Zoning Map and in the records of the Township Board of Supervisors.
1. Final Development Plan (Application for Final Approval)
- a. After the Preliminary Development Plan is tentatively approved by the Board of Supervisors and the Armstrong County Planning Commission, the developer shall thereafter submit three (3) copies of the Final Development Plan (which shall consist of detailed plans for any part or section of the land for which he/she desires final approval, which Final Development Plan shall constitute the Application for Final Approval) to the Township Board of Supervisors and the requisite number of copies to the County Planning Commission and per the County Subdivision and Land Development Ordinance. No building permit shall be issued until after final approval by the County Planning Commission and the Township Board of Supervisors of the detailed plans for the part or section in which the proposed development is located. Final approval of any detailed plans shall lapse unless construction is started in that part or section within one (1) year after such approval.
  - b. In the event the Application for Final Approval has been filed, together with all drawings, specifications and other written communication of tentative approval, the Board of

Supervisors shall, within forty-five (45) days of the County Planning Commission approval, grant such Final Development Plan final approval.

- c. Changes in the location and siting of building structures deemed to not impact grading, lot access, adjacent right-of-way safety, height, or other bulk regulations by the Board of Supervisors may be authorized by it without additional public hearings, if required by engineering or other circumstances not foreseen at the time the Preliminary Development Plan was tentatively approved. However, gross and net density established by the tentatively approved Preliminary Plan shall not change.
- d. The Final Development Plan shall comply with the provisions of other existing ordinances related to development within the Township, Armstrong County and the Commonwealth of Pennsylvania, and shall include:
  - i. All data required for final plan as specified in the Armstrong County Subdivision and Land Development Ordinance.
  - ii. Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open space.
  - iii. The number of families to be housed in each building or structure and intended use of each building or structure.
  - iv. A statement indicating those units or buildings which will be retained by the developer, his heirs or assigns for use as rental properties.
  - v. The Landscape Development Plan, including the location and types of materials of sidewalks, trails, recreation facilities as permitted by this Ordinance shall include:
    - aa. A general landscape plan indicating the treatment and material used for active and passive open space.
    - bb. The proposed landscaping treatment of the perimeter of the PUD.
    - cc. The proposed landscaping treatment of each building lot within the development.
  - vi. Supplementary data to include any covenants, grant of easements or other restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership and operation of common open space facilities.
  - vii. An engineering report which shall include the following data wherever pertinent.
    - aa. Profiles, cross sections and specifications for proposed highway, street or road improvements.
    - bb. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewer systems.
    - cc. Feasibility report of the proposed sanitary sewer system in terms of capacity to serve the proposed development.

- viii. An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation, including but not limited to the following:
    - aa. The topographic features of the site area;
    - bb. The types depth, slope and extent of the soils by area;
    - cc. The proposed alteration to the site area;
    - dd. The amount of runoff from the site area and the upstream watershed area;
    - ee. The staging of earthmoving activities;
    - ff. Temporary control measures and facilities of use during earthmoving.
    - gg. Permanent control measures and facilities for long-term protection.
  - ix. A maintenance program for the control facilities including disposal of materials removed from the control facilities or site area.
  - x. Sub-surface conditions, including data on slope stability and past or possible future mining activity and operations for oil and gas.
  - xi. A minimum of three (3) sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.
  - xii. Location and type of temporary construction or sales office and equipment parking areas.
  - xiii. Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PUD.
- e. Should the Final Development Plan as submitted contain variations from the Preliminary Development Plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall hold a public hearing for comment on the application as revised within forty-five (45) days from filing of the Application for Final Approval and shall so advise the developer in writing of such refusal. In the event of such refusal, the developer may either:
- i. Refile his Application for Final Approval without the variations objected to, in which case the Board of Supervisors shall, within thirty (30) days of such refile, grant such Final Development Plan final approval; or
  - ii. File a written request with the Board of Supervisors for a public hearing on the refused Application for Final Approval. Any such public hearing shall be held pursuant to public notice, within thirty (30) days after request for the hearing is made by the landowner. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall, by official written communication, either grant final approval to the development plan, or deny final approval.

- iii. In the event the developer shall fail to take either of the alternate actions set forth in (i.) or ii.) above within thirty (30) days from such written refusal, the developer shall be deemed to have abandoned the Final Development Plan.
- f. The Final Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded by the developer in the office of the Recorder of Deeds of Armstrong County before any development shall take place.
- g. If the sequence of construction of various portions of the Development is to occur in stages, then the common open space and/or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the Development shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

#### H. Abandonment of Development

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 Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the PUD within such reasonable period of time as established by this Ordinance after final approval has been granted, no development, or further development, shall take place on the property included in the development plan until the developer begins the approval process anew.

#### I. Standards and Requirements

1. Density – The maximum gross density for the total acreage within a Planned Residential Development shall not exceed eight (8) dwelling units per gross acre. The maximum dwelling units per structure shall not exceed twelve (12) units and shall not exceed thirty-six (36) feet in height. The Board of Supervisors reserves the right to make a density level more restrictive in any part of the proposed PRD where it determines that:
  - a. The average grade of any part of the land area, prior to development, is twenty-five percent (25%) or greater unless 1) geotechnical report indicating suitable soil and compaction, 2) with approval of Planning Commission; or
  - b. There is unsafe or inadequate vehicular access to the proposed development; or
  - c. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or
  - d. There is another unsafe condition created by any part of the developer's proposed density level.

#### J. Lot and Building or Structure Requirements

1. Lot Size - Every single family dwelling shall have access to a common street, road, court, walk or other area available for use. No more than eight (8) multi-units (2 quad units) can access a private driveway.
2. Driveway must be a minimum of sixteen (16) feet wide.

3. Buffer - There shall be a buffer yard equal to or greater than the side yard setbacks of the underlying zoning district along the entire perimeter of PUD tracts, within which no construction or disturbance of existing vegetation shall be permitted except as specifically provided for.
4. Length - There shall be no continuous building or structure of townhouses containing more than twelve (12) dwelling units.
5. All buildings and structures on the perimeter of the development must be well-screened in a manner approved by the Township. Such screening shall be reflected in the general landscape plan.
6. Location of Buildings or Structures - The proposed location and arrangement of buildings or structures shall be such that sunlight or air from the direction of adjacent buildings or structures within the development site area or from existing buildings or structures located adjacent to the proposed development, are not obstructed to the extent that such arrangement is possible. Fire and emergency vehicle access to front, rear or sides of buildings cannot be blocked by structures. Building facades shall vary so as to not create a continuous plane among attached dwellings.
7. Minimum Dwelling Size

The minimum livable floor area for all dwelling units located in PUDs shall be as follows:

- a. One bedroom: five hundred (500) square feet
- b. Two bedroom: seven hundred (700) square feet
- c. Three bedrooms: nine hundred (900) square feet
- d. More than three (3) bedrooms: seven hundred (700) square feet for three (3) bedrooms plus two hundred (200) square feet for each additional bedroom

#### K. Common Open Space

1. Area Limitation - Within a PUD the following percentages of the total gross land area shall be devoted to specified use as indicated herein;
  - a. A minimum of thirty percent (30%) of the net site area, exclusive of road rights-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. In developments where fee simple lots will be created for the residential units, all common open space shall be located in stand-alone lot(s) to be owned as hereinafter required. In townhouse developments, all common open space shall be depicted on the document plans. Common open space shall not include buildings (excluding recreational structures) and the area within the minimum required front, side, and rear yard setbacks for any buildings (excluding recreational structures). In addition, easements and stormwater detention facilities which are located within common open space shall not be included in the calculation of total common open space area. Private yards, space between buildings and front perimeter are also excluded from common open space.
  - b. A maximum of seventy percent (70%) of the remaining site area (net site area less open space area) may be devoted to residential use, which shall include residential lots, buildings (excluding recreational structures), the area within the required front, side, and rear yard setbacks for any buildings (excluding recreational structures), driveways, and parking areas including building coverage, parking areas, private yards and courts which abut and serve residences or groups of residences and other usable space.



2. Protection of Common Open Space - Common open space shall be protected by adequate covenants approved by the Township Solicitor and running with the land or by conveyances or dedications. Between structures, including that space being used as common open space or usable space, shall be protected by adequate covenants running with the land or by conveyances or dedications. A PUD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Board of Supervisors following review by the Township Solicitor as to legal form and effect. In cases where South Buffalo Township will not be accepting dedications of alleys, recreation area or common open space, the developer shall provide for an organization, or Homeowner's Association, for ownership and maintenance thereof.
  
3. Common Open Space Maintenance - In the event that the organization established to own and maintain common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Township may take remedial action toward the identified organization or homeowner's association to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended. Any costs incurred by the Township shall be charged to the organization or homeowner's association as applicable.

L. Permitted and Conditional Uses within Planned Unit Developments

PUDs may include a variety of uses with the PUD including but not limited to:

<u>PRDs</u>	<u>PNRDs</u>	<u>PBTPs</u>
Single Family Dwelling	Retail Stores	High Technology Industry
Duplex	Restaurant/Delicatessen	Business/Professional Office
Quadplex	Laundromat/Dry Cleaner	Retail Stores
Townhouse	Beauty/Nail Salon/Barber Shop	Restaurant/Delicatessen
Recreation facilities for residents of the development	Business/Professional Offices	Beauty/Nail Salon/Barber Shop
Retail Stores	Bank/Financial Institution	Bank/Financial Institution
Restaurants/Delicatessen	Theater	Theater
Pharmacy	Fast Food Establishment	Townhouse
Card Store/Book Store	Gasoline/Auto Service Center	Studio Apartments as second floor uses to non-residential uses
Laundromat/Dry Cleaner	Child Day Care Centers	Recreation facilities for residents of the development
Beauty/Nail Salon/Barber Shop		Child Day Care Centers
Business/Professional Office		
Photography Studio		
Bank/Financial Institution		
Theater		
Gasoline/Auto Service Center		
Child Day Care Centers		
Church		

M. Parking

1. There shall be a minimum of one (1) ten by eighteen foot (10' x 18') off-street parking space, excluding driveways for every two (2) units in the PUD for visitor parking and shall be located within one hundred feet (100') of the units.

2. Visitor parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.

#### N. Circulation

1. Vehicular access within the PUD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.
2. A pedestrian circulation or walkway system shall be established where stipulated by the Township and that system shall be reasonably segregated from vehicular traffic.
3. Streets and roads in a PUD should be designed and built to Township specifications and dedicated to public use but may be retained under private ownership. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance to that effect.

#### O. Surety and Improvements

1. The Board of Supervisors shall request an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Board of Supervisors following review by the Township Solicitor, to be furnished and filed with the Township Secretary. An escrow agreement and account approved by the Board of Supervisors as to form and content shall be required in the amount of one hundred and ten percent (110%) of the estimated construction costs and engineering for each stage of development. All estimates of cost to be approved by the Township Engineer. Such escrow amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings and screening.
2. Before any grading or building permit may be issued in regard to the PUD, all agreements, contracts, deed restrictions, other instruments and sureties shall be in a form acceptable to the Township.

#### O. Fees

1. At the time of application for Tentative Approval and/or Final Approval of a PUD or a phase or section thereof, a fee established by the Board of Supervisors for review shall be payable to the Township.
2. In addition, all applicable building permit fees adopted by the Township from time to time shall apply and be paid. The developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Township contracted services including, but not limited to, engineering, legal costs, advertising and stenographic services.

## **Article VI**

### **SUPPLEMENTARY REGULATIONS**

#### ***Section 601: Applicability of Armstrong County Subdivision and Land Development Ordinance***

Where the regulations identified in this Ordinance apply to subdivision and land development activities, they shall be subject to the provisions of the Armstrong County Subdivision and Land Development Ordinance. In addition to the lot size, setback, and other requirements, all land uses shall meet the requirements of the District in which they are located. In the event of a conflict, the more restrictive provisions shall apply.

#### ***Section 602: Supplementary Regulations***

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided in this Article by the following supplementary regulations.

##### ***Section 602.1: Accessory Structures***

Accessory structures (excluding garages and carports) that are no more than five hundred (500) square feet in size and that are clearly incidental and related to that of the primary structure or use is permitted in all zoning districts.

##### ***Section 602.2: Adaptive Reuse***

The change in use of a nonconforming use or the occupancy of a nonconforming structure within any zoning district shall be permitted as follows:

- A. The standards and review procedures enumerated in this Section shall be applicable to all such proposals for adaptive reuse and shall be used in lieu of the provisions for land development approval.
- B. The proposed use shall demonstrate an overriding public interest and be consistent with the Township's Comprehensive Plan, as determined by the Board of Supervisors.
- C. All Applicants and or property owners shall submit three (3) copies of a use narrative and all required information as specified in this Subsection to the Township Board of Supervisors.
- D. The Zoning Officer shall not issue a zoning permit until conditional use status has been approved by the Township Board of Supervisors.
- E. All structural renovations shall be completed in compliance with the PA Uniform Construction Code and all required permits shall be acquired by the Applicant or property owner.

- F. No expansion of a private on-lot septic disposal system or addition of a private well shall be commenced prior to the submittal of a Utility Impact Report and a favorable review of said report by the Township Engineer.
- G. All Applicants and/or property owners shall submit three (3) copies of the Plan showing the adaptive reuse along with a narrative of explanation. The Adaptive Reuse Plan and Narrative shall include:
  - 1. The location and dimension of all existing structures, public utilities, utility and other easements, and the location of private well(s) and septic systems.
  - 2. The location of all existing or proposed parking areas, driveways, ingress/egress, and traffic circulation.
  - 3. The location of land classified as wetlands and floodplains.
  - 4. The location and description of all proposed exterior improvements including lighting, parking areas, sidewalks, landscaping and signage.
  - 5. An explanation on the anticipated traffic impact to include the number of employees, number of daily deliveries and number of daily pick-ups, and types of vehicles that will access the site,
  - 6. Principal roadways and streets to be used by vehicles entering and exiting the site.
  - 7. A complete list of all materials to be used, stored, or produced on-site during facility operations and methods for disposal of such material.
  - 8. Such other information as may be deemed necessary by the Township Board of Supervisors to evaluate the proposed adaptive reuse in the interest of public safety and welfare.

### ***Section 602.3: Camping and Recreational Equipment***

Any owner of camping and recreational equipment may park or store such equipment subject to the following conditions.

- A. At no time shall such camping and recreational equipment parked or stored on the premises be occupied or used for living, sleeping or housekeeping purposes.
- B. If the camping and recreational equipment is parked or stored outside of a garage, it shall not be parked or stored within the front yard and shall only be parked or stored within the side or rear yards.
- C. Camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes.

### ***Section 602.4: Fences, Hedges and Walls***

Fences, hedges and walls are permitted by right in all Zoning Districts and shall require the issuance of a permit prior to construction of any fence or the reconstruction of any fence after the effective date of this Ordinance.

- A. All fences, hedges and walls shall be durably constructed and well-maintained.
- B. All fences, hedges and walls that have deteriorated shall be replaced or removed.
- C. Engineered retaining walls necessary to hold back slopes are exempted from the setback requirements of this Section and are permitted by right as needed in all zoning districts.
- D. Fences, hedges and walls shall be setback a minimum of one (1) foot along property boundaries to provide for future maintenance of the fence (accepting and reserving the above stated exceptions).
- E. The finished side of a fence or wall shall be oriented towards the front of the lot or the direction of the adjacent property owner, unless it is a type of fencing where there is no finished side.
- F. A decorative fence (a fence that has openings that comprise at least seventy-five (75) percent of the surface area of the fence, including but not limited to, split rail fences and wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property) may be permitted in a front yard provided the maximum height of the fence shall not exceed four (4) feet and further provided the fence does not form a continuous enclosure of the perimeter of the front yard.
- G. A security fence (a fence that has openings that comprise no less than twenty-five (25) percent of the surface area of the fence, including but not limited to board fences, picket fences, chain link fences, and the like) may be erected in the minimum required side or rear yard provided the maximum height of the fence shall not exceed six (6) feet across the rear property line, and forward along the side property lines to a distance equal to twenty-five (25) percent of the lot depth where at this point, the maximum height of the fence must not exceed four (4) feet.
- H. A privacy fence (a fence that has openings that comprise less than ten (10) percent of the total surface area of the fence) may be erected in a rear or side yard to screen a deck, patio, or swimming pool, provided the maximum height of the fence shall not exceed six (6) feet across the rear property line, and forward along the side property lines to a distance equal to twenty-five (25) percent of the lot depth where at this point, the maximum height of the fence must not exceed four (4) feet.
- I. No fence, hedge or wall shall be:
  - 1. Located, constructed, or maintained in a way that will obscure or impair the visibility of an operator of a motor vehicle exiting or entering the property
  - 2. Located in a clear triangle or within the road right-of-way
  - 3. Constructed on the property line – this does not apply to agricultural areas that share fencing along property lines as part of a farming or livestock operation. In addition, this does not apply to fencing where both parties agree in writing that the fence may be erected on the property line between residential uses. Such agreement shall be attached to the sale of the property and shall remain in effect until such time as both parties agree to dismantle the fence. In addition, both parties shall be equally responsible for the maintenance and up-keep of said fence.
  - 4. In excess of two and one half (2 ½) feet in any residential zoning district front yard and shall not be located at street corners so as to interfere with vision clearances across the corner lots. The height of fences, hedges and walls located at street corners shall not exceed two and one half (2 ½) feet.
  - 5. In excess of six (6) feet in height,

6. Constructed of a barbed wire material or supplied with electricity in any Residential Zoning District except for those lots permitted to maintain horses or ponies or lots used for agricultural purposes. All electrified fences shall be of low intensity and shall not be able to permanently injure humans. All electrified fences shall contain signage that states such fence is electrified.

### ***Section 602.5: Landscaped Buffers***

Landscaped buffers are permitted uses in all Zoning Districts and shall consist of a strip of land which is planted and maintained in shrubs, bushes, trees, grasses or other ground cover and is in certain situations, a required installation between certain uses.

- A. Any enclosed use which may be required by this Ordinance to be landscaped in accordance with a landscaped buffer, the landscaped buffer shall provide a visual screen consisting of evergreen or evergreen type hedges or shrubs attaining a height of six (6) feet and spaced at intervals of not more than five (5) feet, and maintained in good condition, and located within a minimum of five (5) feet of the property line.
- B. No building or structure shall be constructed or placed on or within a designated buffer zone (peripheral edge of a property line).
- C. All nonresidential development in nonresidential zoning districts that abut any residential zoning district or any residential use shall provide buffers and/or screening in side yards and/or rear yards or along the entire boundary of the property line.
- D. All buffers shall be adequate to visually screen the proposed nonresidential use from off-site view.
- E. Existing topography such as embankments or berms in conjunction with vegetative plantings may constitute a buffer zone.
- F. All developments that require landscaping plantings as buffers shall show required plantings on a site plan or landscaping plan prepared by a qualified landscape architect.
- G. All plantings and trees to be used in buffer zones shall be of such species and size as will produce within three (3) years, a complete visual screen at least six (6) feet in height.
- H. The landscaped buffer zone shall be maintained permanently, and any plant material which does not survive shall be replaced no later than the subsequent planting season.
- I. The landscaped buffer zone shall be maintained and kept clean of all debris, rubbish, weeds and tall grasses.

### ***Section 602.6: Off-Street Loading and Unloading Requirements***

- A. All areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles shall be located off-street and within the parcel boundaries of the lot for which it is intended to service.
- B. All off-street loading and unloading areas shall be of adequate size and shall be so arranged that the area may be used without blockage or interfering with the use of access ways or automobile parking facilities.

- C. Loading docks must be sufficient size to accommodate normal peak load requirements of the use for which they are intended to service.
- D. Service bays and garage doors used to service all uses such as, but not limited to, automotive type uses, warehouse type uses, manufacturing, industrial, and similar types of uses shall not face any public street; with the exception of warehousing in the I-2 Zoning District.
- E. In the I-1 and I-2 Zoning Districts, wherein there are permitted industrial uses that manufacture or house products for distribution, there shall be provided and maintained on the same lot, off-street loading berths of no less than fifteen (15) feet in width, forty (40) feet in length, and shall have a minimum of fifteen (15) feet of overhead clearance. Such off-street loading berths shall be exclusive of ingress/egress access or turning lanes.
- F. Off-street loading as required for each use shall be properly located so as to prevent the movement and turning of vehicles on State, Township and Private Streets.
- G. All loading activities must take place in specifically designated areas for turning and loading – exclusive of those areas designated for parking or some other use.
- H. Off-street parking and loading facilities for separate uses may be provided jointly, provided the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all other regulations governing the location of such are met.
- I. Off-street loading facilities shall not be located closer than thirty (30) feet to any residential dwelling, school, hospital or institution for human care that is situated on an adjacent lot.
- J. All off-street loading areas shall be surfaced with asphalt, cement, concrete, pavement or similar durable and dustless surface.
- K. All off-street loading areas shall be marked so as to provide for the orderly and safe loading, parking and movement of automobiles and trucks.
- L. All lighting used to illuminate off-street loading areas shall be so arranged as to reflect the light away from the adjacent properties.
- M. All off-street loading areas shall be effectively screened by a fence or planted hedge and maintained in good condition at all times.
- N. All off-street loading areas shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses; and where applicable shall comply with the South Buffalo Township Stormwater Management Ordinance.
- O. In any district, in connection with every building, or building group or part thereof hereafter erected, there shall be provided and maintained on the same lot, off-street loading and unloading in accordance with the following minimum requirements:

<b>Minimum Off-Street Loading and Unloading Requirements</b>		
<b>USES</b>	<b>Sq. Ft. of Total Floor Area</b>	<b>Loading/Unloading Requirements</b>
Schools	10,000 – 25,000	1
	Each additional 25,000	1
Hospitals (in addition to space for ambulances)	5,000 – 20,000	1
	Each additional 10,000	1
Funeral Homes	5,000	1



	Each additional 5,000	1
Offices, Hotels, Retail and Commercial Uses	5,000 – 15,000	1
	Each additional 15,000	1
Wholesale, Manufacturing, Storage, and Other like Uses	5,000 – 15,000	2
	Each additional 15,000	2

### ***Section 602.7: Off-Street Parking Requirements***

Purpose: Off-street parking facilities shall be provided to lessen congestion along public streets. The term “parking space” herein, includes either covered garage space or uncovered parking lot space located off the public right-of-way.

- A. All buildings and structures erected and all uses of land established after the adoption of this Ordinance shall be provided with off-street parking spaces as set forth in this Section.
- B. All buildings and structures that are enlarged in any way (floor area, number of employees, number of housing units, seating capacity, or otherwise a need for an increase in the number of parking spaces) shall provide additional parking spaces as follows: wherein a structure existing prior to the effective date of this Section is enlarged to the extent of fifty (50) percent or more, shall comply with the full parking requirements set forth herein.
- C. The provisions of the Section shall not apply to any existing building or structure except where the building or structure has been enlarged in any way and/or where there is a change in use.
- D. Off-street parking facilities that are located on the same lot as the building or use served and that are in existence on the effective date of this Ordinance shall not hereafter be reduced below the minimum requirements for a similar new building or use.
- E. In no case shall off-site parking be permitted within a road or street right-of-way.
- F. Each parking space shall consist of not less than one hundred eighty (180) square feet of usable area for each motor vehicle, excluding interior driveways and driveways connecting a garage or parking spaces with a street or alley.
- G. All parking spaces shall be ample in size for the vehicles for which use is intended.
- H. The net parking space per vehicle shall be not less than nine (9) feet wide and twenty (20) feet long.
- I. All off-street parking areas and the approaches thereto, shall be paved or covered with a durable, dust-free, compacted surface. Such outdoor parking spaces shall be deemed to be part of the open space of the lot on which it is located.
- J. Lighting used to illuminate off-street parking areas shall be so arranged as to reflect the light away from adjacent residential uses.
- K. Lighting for residential uses shall be aimed to illuminate individual driveways or parking spaces.
- L. Parking spaces may be located on a lot other than that containing the principle use when approved by the Township Board of Supervisors, pursuant to a Public Hearing.

- M. Parking spaces for all detached residential uses shall be located on the same lot as the use for which they are intended to serve. Each required off-street parking space shall have direct access to a public or private right-of-way.
- N. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred feet (300') from the principal use.
- O. Driveways and traffic aisles serving individual parking spaces shall be a minimum of twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one half (17.5) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking. Provided parking spaces are indicated by lines with angles other than ninety (90) degrees, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10') in width.
- P. The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one (1) lot providing the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings/structures or uses computed separately in accordance with this Section.
- Q. When two (2) or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided
- R. All off-street parking areas required by this Ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of a vehicles for more than seventy two (72) hours
- S. Handicapped Accessible Parking: Accessible parking spaces for the physically challenged shall be provided for residential and non-residential uses as follows:
  - 1. The design of accessible handicapped parking spaces shall be in accordance with the architectural guidelines of the Americans with Disabilities Act to include:
    - a. Accessible parking spaces serving a particular building or use shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure.
    - b. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance to the parking facility.
    - c. Accessible parking spaces shall be at least eight (8) feet wide.
    - d. One (1) parking access aisle of no less than five (5) feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.
    - e. A parking access aisle may be shared between two (2) accessible parking spaces.
    - f. Access aisles shall be clearly designated and identifiable by line painting, curbing, and signage.
    - g. Parking spaces and access aisles shall be level with surface slopes not exceeding two (2) percent in all directions.

- h. Accessible parking spaces shall be designated as reserved by a sign indicating the symbol of accessibility. Such signs shall be located so as not interfere with the actual space for the parking of a vehicle.
- i. A minimum of twenty-five (25) percent of the required accessible parking spaces shall be van accessible with one (1) space being the minimum.
- j. Van accessible parking spaces shall be at least eight (8) feet wide with an access aisle of no less than eight (8) feet in width.
- k. The minimum number of accessible parking spaces shall be required as follows:

<b>Minimum Required Accessible Parking Spaces</b>	
<b>Total Parking Spaces</b>	<b>Minimum Accessible Parking Spaces</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of Total
Over 1000	20 of total plus 1 per 100 over 1000

- T. Employee Parking Requirements: In addition to the parking requirements, as listed in Appendix D and unless otherwise stated, each business operation or activity employing two (2) or more employees, shall provide one (1) off-street parking space for each two (2) employees, or fraction thereof. When specific uses are not known at the time of site plan approval, reasonable estimates for the most intensive use contemplated will be required.
- U. For the purpose of this Ordinance the parking space requirements for residential and nonresidential uses in the tables (Appendix D) shall apply. For those uses not specified, the Township Planning Commission shall maintain the discretion to determine the necessary parking requirements in keeping with the general purpose of this Ordinance.

***Section 602.8: Open Space for Multi-Family Developments***

Whenever a lot is developed for multi-family use, open space as defined in this Ordinance and comprising not less than fifteen (15) percent of the total developable land within the development shall be set aside and provided permanently for the common enjoyment of the residents of the development.

- A. Access to such open space shall be from a street within the development and/or a pedestrian walkway to which all residents of the development have a right to use.
- B. The maintenance care of the open space shall be the responsibility of the land owner or home owner’s association.
- C. Such open space may be used for playground equipment, park benches, and other public park amenities.

- D. Such open space may be planted with shade trees in accordance with an open space development plan approved by the Township Planning Commission.

### ***Section 602.9: Rear Dwellings***

No building in the rear of a principal building on the same lot may be used for living purposes in a residential district except in accordance with the provisions as outlined in this Ordinance for temporary dwellings.

### ***Section 602.10: Signs***

No sign hereafter the adoption of this Ordinance shall be erected, moved, enlarged, replaced, illuminated or altered in any way except in accordance with the provisions of this Ordinance and any other ordinances of South Buffalo Township.

**Section 602.10.1: Location:** All signs shall be located on the premises of the establishment, person, activity, product or service to which they refer, unless approved as a Billboard or Off-Premises Directional Sign in accordance with the requirements of this Ordinance. In addition, signs not attached to a building shall be set back a minimum of ten (10) feet from a lot line, street or right-of-way line, or any other required buffer area.

**Section 602.10.2 Sign Area:** The area of a sign shall be computed by multiplying the height of a sign by the width of a sign.

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the total area within the outer most perimeters of the sign.
- D. In computing the square foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

**Section 602.10.3 Visibility:** No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and temporary special events signs as approved by the Township Board of Supervisors, shall hang over or be erected within ten (10) feet of the right-of-way of any street.

**Section 602.10.4 Illumination:** Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The

intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

**Section 602.10.5 Maintenance and Inspection:** All signs must be constructed of a durable material and maintained in good condition. If any sign becomes dilapidated to the point that it constitutes an unsightly or hazardous condition it shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense for time, equipment and disposal fees.

**Section 602.10.6 Removal of Signs:** Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense for time, equipment and disposal fees.

**Section 602.10.7 Permits Required:** Permits for all authorized signs are required with the exception of Notification Signs and Construction Signs.

- A. The Zoning Officer shall issue the required permit upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established by resolution of the Board of Supervisors of the Township.
- B. Each application for a sign permit shall be accompanied by a drawing that shows the proposed design, size, character, color, lettering, lines, symbols, the method of illumination (if any), the exact location of the sign in relation to the building and property, and details and specifications for construction to include the height of the sign from ground level to the top of the sign, with dimensions noted.
- C. Sign permit applications shall contain the following information as submitted by the applicant:
  1. Name, address and phone number of applicant; the contractor's name, address and phone number; and the name, address, and phone number of the property owner (if different from the applicant).
  2. Provided the applicant is not the property owner, a statement of permission to erect a sign on the property shall also accompany the application.
- D. Each time a sign face is changed or a sign is altered in any way shall constitute the submission of a sign permit application for review and approval, along with the required fee as established by the Township Board of Supervisors.
- E. All signs currently in use are permitted under this Ordinance; however any modifications to said signs shall constitute the submission of a sign permit application for review and approval, along with the required fee as established by the Township Board of Supervisors.

**Section 602.10.8 Sign Classifications:** The following are the definitions of classes of signs which are permitted in South Buffalo Township.

- A. Bulletin Sign - A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

- B. Changeable Copy Sign - A sign that is designed so that characters, letters or illustrations can be changed or rearranged by computer, electronically or mechanically without altering the face or surface of the sign.
- C. Free Standing Signs - A sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:
  - 1. Ground Sign - A free standing sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen inches (18") between the bottom edge of the sign and the adjacent ground level.
  - 2. Pole Sign - A free standing sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.
- D. Indirectly Illuminated Sign - A sign which is lighted by means of lamps or lighting devices external to, and reflected on the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.
- E. Internally Illuminated Sign - A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or an integral part of the sign structure and the advertising effect.
- F. Non-conforming Sign - A sign, properly designated as such in accordance with the Township's Zoning Ordinance, as amended.
- G. Off-Premises Sign - An off-premise sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premise on which the sign is located; which may be either freestanding or a wall sign.
- H. Overhanging Sign - A sign, other than a wall sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six (6) inches.
- I. Wall Sign - A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.

**Section 602.10.9 Types of Signs:** The following are definitions of types of signs which are permitted sign types in South Buffalo Township:

- A. Agricultural Sales Sign - A temporary sign permitted in connection with any operating farm used only to announce the sale of seasonal products raised on the premises.
- B. Billboard – An off-premise sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premise on which the sign is located, through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.
- C. Business Identification Sign - A sign which contains the name, address and goods, services, facilities or events available on the premises.
- D. Construction Sign - A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

- E. Development Sign - A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
- F. Directional Sign - A sign erected by a governmental agency which directs and/or instructs vehicular or pedestrian traffic relative to the location of a public building or use or a semi-public building or use such as a church, school, park, municipal building, or similar use and which is located in a public street right-of-way with the permission of the owner of the right-of-way or on premises other than the premises where said building or use is located with the permission of the owner.
- G. Home Occupation or Home Office Identification Sign - A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.
- H. Notification Sign - Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.
- I. On-Premises Directional Sign - A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.
- J. Overhead Banner Sign - A sign which is temporary erected overhead spanning the length of a roadway or open space, providing a minimum of fifteen (15) feet clearance above the ground.
- K. Political Sign - A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held. Temporary political signs shall not be considered billboards.
- L. Portable or Wheeled Sign - A sign which is temporary and capable of being carried or moved about without a permanent base attached to the ground. This shall also include all symbols, logos, balloons or other portable signs.
- M. Real Estate Sign - A temporary sign advertising the sale or rental of premises. The signs may also bear the words sold, sale pending or rented across its face.
- N. Residential Identification Sign - A sign containing only the name and address of the occupant of the premises.
- O. Residential Plan Identification Sign - A permanent wall or free standing ground sign containing only the name and address of a plan or subdivision or a multifamily building or development.
- P. Temporary Special Event Display Sign - A banner, flag, pennant, or similar display constructed of durable material and affixed to the wall of a building, portable or wheeled signs, or freestanding signs erected for a period of less than thirty (30) days whose sole purpose is to advertise a grand opening or other special event.

**Section 602.10.10 General Regulations** - The following regulations shall apply to signs in all Zoning Districts.

- A. Restricted Signs - The following signs shall not be permitted in any Zoning District:
  - 1. A-Frame or sandwich board signs;



2. Portable or wheeled signs, other than Temporary Special Event Display Signs authorized by this Ordinance;
3. Banners and pennants, other than Temporary Special Event Display Signs authorized by the Township Board of Supervisors;
4. Moving, rotating, swinging, animated or flashing signs, except for that portion of a permitted sign which indicates time and temperature;
5. Signs on trees, utility poles except official traffic control devices or signs;
6. Signs which imitate traffic control devices;
7. Roof signs – signs attached to a roof of a building or structure.
8. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

B. Table of Permitted Signs for each Zoning District with general square footage limitations:

<b>Permitted Signs in each Zoning District (with general size limitations)</b>							
Sign Type	R-1	R-2	R-3	RA	C-1	I-1	I-2
Notification	2 sq. ft.	2 sq. ft.	2 sq. ft.	2 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
Bulletin	12 sq. ft.	12 sq. ft.	12 sq. ft.	12 sq. ft.	16 sq. ft.	16 sq. ft.	16 sq. ft.
Real Estate	16 sq. ft.	16 sq. ft.	16 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Construction	12 sq. ft.	12 sq. ft.	12 sq. ft.	12 sq. ft.	12 sq. ft.	12 sq. ft.	12 sq. ft.
Special Event	40 sq. ft.	40 sq. ft.	40 sq. ft.	40 sq. ft.	40 sq. ft.	40 sq. ft.	40 sq. ft.
Home Occupation	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
Political	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.
Wall	6 sq. ft.	6 sq. ft.	6 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Freestanding	6 sq. ft.	6 sq. ft.	6 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Directional	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
Changeable Copy	NA	NA	NA	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Residential Plan Identification	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Business Identification	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Agricultural Identification	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.
Billboard	NA	NA	NA	300 sq. ft.	NA	300 sq. ft.	300 sq. ft.

**Section 602.10.11 Signs Permitted in all Zoning Districts:**

- A. Notification Signs: In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as no trespassing, no hunting and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) for every one hundred (100) feet of road frontage.
- B. Bulletin Sign: One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twelve (12) square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semi-public building.
- C. Temporary Real Estate/Development Sign: One (1) non-illuminated temporary Real Estate Sign or Development Sign advertising the sale or lease of the property on which the sign is located shall be permitted provided the surface area of the sign shall not exceed sixteen (16) square feet in any Residential Zoning District or thirty-two (32) square feet in any other Zoning District. Such signs shall be removed upon the sale, lease, or completion of the development of the property.
- D. Construction Sign: One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon completion of the work.
- E. Temporary Special Event Display Sign: One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected over a public right-of-way or on the face of a public building, church or building housing a non-profit organization, provided that the area of the signs shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than fifteen (15) days and is removed within five (5) days following the event that it is erected to promote. No such Temporary Special Event Display Sign shall be permitted to be erected over a public right-of-way without permission of the Township Board of Supervisors.
- F. Home Occupation Sign: One (1) non-illuminated Home Occupation or Home Office Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed four (4) square foot and the sign shall contain only the name and occupation of the resident and shall not contain any other advertising.
- G. Temporary Political Signs: Non-illuminated Temporary Political Signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by this Ordinance and provided that the surface area of such signs shall not exceed six (6) square feet. Temporary political signs are permitted to be displayed for a period of thirty (30) days prior to an election date and shall be removed within five (5) days after the election for which they were erected. Signs not promptly or completely removed within the specified time period shall be removed by the Township at the expense of the candidate.
- H. Agricultural Sales Sign: One (1) non-illuminated free standing Agricultural Sales Sign shall be permitted in conjunction with on-site sale of farm products provided the sign shall not exceed six (6) square feet in area and shall not be located within ten (10) feet of any public street right-of-way.

- I. Directional Signs - On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional signs shall be permitted per acre on the additional acreage.

**Section 602.10.12 Signs Authorized in R-1, R-2, & R-3 Zoning Districts** - The following signs shall be permitted in all Residential Zoning Districts and the maximum square footage for a sign in a Residential Zoning District shall be six (6) square feet, unless otherwise specified.

- A. Residential Plan Identification Sign: One (1) non-illuminated or indirectly illuminated permanent wall or free standing Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed six (6) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a free standing decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
- B. Business Identification Sign: One (1) non-illuminated or indirectly illuminated wall or free standing Business Identification Sign for any non-residential use, other than a home occupation, authorized as a conditional use or use by special exception in Residential Zoning Districts shall not exceed six (6) square feet in area.
- C. Business Identification Sign for Non-conforming Use: One (1) non-illuminated or indirectly illuminated wall or free standing Business Identification sign for a lawfully maintained non-conforming use in Residential Zoning Districts which shall not exceed six (6) square feet in area.
- D. Agricultural Sales Sign: One (1) non-illuminated free standing Agricultural Sales Sign shall be permitted in conjunction with on-site sale of farm products provided the sign shall not exceed six (6) square feet in area and shall not be located within ten (10) feet of any public street right-of-way.
- E. Changeable Copy Signs - One (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, and shall be permanently affixed to the wall of the building or to the supporting structure of an authorized Free Standing Sign and shall not exceed thirty two (32) square feet in area.

**Section 602.10.13 Signs Authorized in RA Zoning Districts** - The following signs shall be permitted in all Rural Agriculture Zoning Districts unless otherwise specified.

- A. Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:
  1. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
  2. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a free standing pole business identification sign;

3. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
  4. The aggregate surface area of all Temporary Special Event Display signs shall not exceed forty (40) square feet per parcel or tract of land.
  5. Temporary Special Event Display Signs shall be non-illuminated.
- B. Directional Signs - On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional signs shall be permitted per acre on the additional acreage.
- C. Changeable Copy Signs - One (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, and shall be permanently affixed to the wall of the building or to the supporting structure of an authorized Free Standing Sign on the lot, provided that:
1. No other authorized free standing Business Identification Sign exists or is proposed to be erected on the lot.
  2. The maximum surface area of the Changeable Copy Sign shall not exceed thirty two (32) square feet in area.
- D. Business Identification Signs
1. Wall Signs - Each business establishment shall be permitted to have one (1) wall sign which may be illuminated or non-illuminated provided that the maximum surface area does not exceed thirty two (32) square feet.
  2. Free Standing Signs - In addition to one wall sign, one (1) free standing sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
    - a. No other free standing pole or ground signs exist or are proposed to be erected on the lot.
    - b. The maximum surface area of the proposed free standing sign shall not exceed thirty two (32) square feet.
    - c. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.
    - d. Free Standing signs shall be non-illuminated, indirectly illuminated only, or internally illuminated.
    - e. No portion of any free standing sign shall project over any public right-of-way.
- E. Residential Plan Identification Sign: One (1) non-illuminated or indirectly illuminated permanent wall or free standing Residential Plan Identification Sign containing only the

street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed six (6) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a free standing decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.

- F. Billboard: No more than one (1) billboard sign shall be permitted as a Conditional Use on a single parcel of ground in the RA Zoning District. The sign face of the billboard shall not exceed 10'x30' and the height shall not exceed 35'.

**Section 602.10.14 Signs Authorized in the C-1 Zoning District** - The following signs shall be permitted in the C-1 Zoning District. The total aggregated sign area shall not exceed forty (40) square feet of signage for one (1) parcel, or tract of land.

- A. Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:

1. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
2. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a free standing pole business identification sign;
3. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
4. The aggregate surface area of all Temporary Special Event Display signs shall not exceed forty (40) square feet per parcel or tract of land.
5. Temporary Special Event Display Signs shall be non-illuminated.

- B. Directional Signs - On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional signs shall be permitted per acre on the additional acreage.

- C. Changeable Copy Signs - One (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, and shall be permanently affixed to the wall of the building or to the supporting structure of an authorized Free Standing Sign on the lot, provided that:

1. No other authorized free standing Business Identification Sign exists or is proposed to be erected on the lot.
2. The maximum surface area of the Changeable Copy Sign shall not exceed thirty two (32) square feet in area.

- D. Business Identification Signs

1. Wall Signs - Each business establishment shall be permitted to have one (1) wall sign which may be illuminated or non-illuminated provided that the maximum surface area does not exceed thirty two (32) square feet.
2. Free Standing Signs - In addition to one wall sign, one (1) free standing sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
  - a. No other free standing pole or ground signs exist or are proposed to be erected on the lot.
  - b. The maximum surface area of the proposed free standing sign shall not exceed thirty two (32) square feet.
  - c. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.
  - d. Free Standing signs shall be non-illuminated, indirectly illuminated only, or internally illuminated.
  - e. No portion of any free standing sign shall project over any public right-of-way.

**Section 602.10.15 Signs authorized in the I-1 & I-2 Zoning Districts** provided the total aggregated sign area shall not exceed sixty-four (64) square feet for one (1) sign or one hundred twenty-eight (128) square feet for a group of two (2) or more signs on one (1) parcel, tract, or lot.

- A. Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:
  - A. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
    1. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a free standing pole business identification sign;
    2. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
    3. The aggregate surface area of all Temporary Special Event Display signs shall not exceed sixty four (64) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed one hundred twenty eight (128) square feet;
    4. Temporary Special Event Display Signs shall be non-illuminated.
- B. Directional Signs - On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional signs shall be permitted per acre on the additional acreage.

C. Changeable Copy Signs - In addition to the authorized business identification signs, one (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty two (32) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized free standing sign on the lot.

D. Business Identification Signs

1. Wall Signs - Each business establishment shall be permitted to have one (1) wall sign which may be illuminated or non-illuminated provided that the maximum surface area does not exceed thirty two (32) square feet.
2. Free Standing Signs - In addition to the wall sign, one (1) free standing sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
  - a. No other free standing pole or ground signs exist or are proposed to be erected on the lot.
  - b. The maximum surface area of the proposed free standing sign shall not exceed thirty two (32) square feet.
  - c. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.
  - d. Free Standing signs shall be non-illuminated, indirectly illuminated only, or internally illuminated.
  - e. No portion of any free standing sign shall project over any public right-of-way.

E. Billboard: No more than one (1) billboard sign shall be permitted as a Conditional Use on a single parcel of ground in the I-1 and I-2 Zoning District. The sign face of the billboard shall not exceed 10'x30' and the height shall not exceed 35'.

**Section 602.10.16 Penalty for Violation of this Ordinance** - Any person, partnership or corporation who violates any provision of this Ordinance, shall upon conviction, be subject to a judgment of not more than six hundred dollars (\$600.00) together with all the court costs, said judgment to accrue to the benefit of the Township. Each day that the violation exists shall constitute a separate violation. Notwithstanding same, the Township reserves the right to avail itself of any civil remedy available either in law or in equity.

**Section 602.10.17 Non Conforming Signs** - Any existing sign which was in compliance prior to this Sign Ordinance, but shall become nonconforming after the effective date of this Ordinance, shall have status of non-conformance granted and lawful until such time that the sign is altered or changed; which such alteration or change shall bring the non-conforming sign into compliance with this Ordinance.

### ***Section 602.11: Storage***

No lot or premises shall be used as a garbage dump, or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any district where the same may be



construed as a menace to public health or safety. No exceptions shall be made except by official action of the Township Board of Supervisors.

### ***Section 602.12: Structures on Small Lots***

Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Officer may permit erection of a principal use on any lot with an area or a width smaller than that required for a principal use. In no case shall any principal use in any zoning district, be permitted within the minimum building setback lines. Per the application date for such a permit, it shall be the responsibility of the Zoning Officer to review all permits to be issued under this section prior to the next scheduled public meeting of the Planning Commission. The Planning Commission shall then make recommendation to the Township Board of Supervisors at their next scheduled public meeting - prior to the Zoning Officer issuing the said permit.

### ***Section 602.13 Temporary Structures***

A temporary dwelling may be granted as a conditional use in all Zoning Districts when approved by the Township Board of Supervisors. Temporary structures (other than those used for dwellings) may be granted as a conditional use in any zoning district when approved by the Township Board of Supervisors. Portable temporary storage units shall be permitted in any zoning district in accordance with the special provisions outlined in this Section.

- A. Temporary structures for dwelling purposes for other than secondary dwellings
  - 1. A temporary dwelling, whether fixed or mobile in nature, may be approved by the Township Board of Supervisors as a conditional use when an applicant demonstrates that a permanent use, in compliance with the applicable provisions of this Ordinance, is being pursued with due diligence and that the temporary dwelling will be utilized for the minimum practical time period and removed immediately upon the expiration of that period.
  - 2. The maximum allowable time period for keeping a temporary dwelling unit on a property shall be six (6) months, unless the Township Board of Supervisors, upon further request by the applicant, does grant an extension of that period for an additional six (6) months.
  - 3. A temporary dwelling unit shall comply with all applicable standards of the zoning district in which it is to be located and with all applicable requirements that may be adopted or enacted by the Township, and all conditions for approval that may be applied by the Township Board of Supervisors.
  - 4. A use and occupancy permit shall be required prior to the utilization of any such temporary dwelling and shall be issued in accordance with the provisions of this Ordinance.
- B. Temporary Secondary Dwellings
  - 1. Temporary second dwellings shall be permitted only as a conditional use in any Zoning District on a lot wherein there is currently a residential principle dwelling when approved by the Township Board of Supervisors.
  - 2. Such temporary dwelling shall be a temporary housing unit and may be placed only on a property with a minimum area of two (2) acres, already accommodating a single family dwelling.

3. The second dwelling shall be occupied only by immediate relatives of the family living in the existing dwelling.
4. The Township Board of Supervisors shall determine that a hardship exists involving the relatives which cannot be resolved by housing provided elsewhere.
5. Provided the Township Board of Supervisors grants permission, it shall direct the Zoning Officer to verify annually, that the conditions of the occupancy have not changed.
6. When the hardship no longer exists, as determined by the Zoning Officer, the property owner shall have the second dwelling removed from the site within six (6) months of the date of determination and such temporary dwelling shall not be occupied on the site for any other use or by any other party.
7. Sewage facilities shall be in accordance with the rules and regulations contained in the Pennsylvania Sewage Facilities Act No. 537 or latest revisions to the South Buffalo Township Act 537 Plan.
8. Land development approval through the Armstrong County Department of Planning and Development - as per the provisions of the Armstrong County Subdivision and Land Development Ordinance is required, and may be a condition for approval by the Township Board of Supervisors.

C. Temporary Structures (for uses other than dwellings)

1. Temporary structures (for uses other than dwelling), located on tracts undergoing development, that are utilized for construction management purposes may, while serving that function, remain on the tract being developed, only during active development of the tract.
2. Removal of a temporary structure (for uses other than dwelling), shall occur immediately upon completion of the development process.
3. No extension of time shall be permissible for temporary structures (for uses other than dwelling) that are utilized for construction management purposes, except upon the grant of a time extension by the Township Board of Supervisors.
4. A temporary structure that is to be utilized for construction management purposes shall comply with all applicable standards of the zoning district in which it is to be located and with all applicable requirements that may be adopted or enacted by the Township, and with all conditions for approval that may be applied by the Township Board of Supervisors.
5. A use and occupancy permit shall be required prior to the utilization of any temporary structure that is to be utilized for construction management purposes.

D. Temporary or Portable Storage Units

Temporary or portable storage units that are designed to be transported and used for the temporary storage of materials, household goods, personal items and other materials and that are used for a limited period of time shall be permitted as a temporary structure in accordance with the following requirements. Trailers designed for the transportation of materials and goods shall not be permitted to be used for the storage of goods.

1. Temporary storage units shall not be placed in the street or road right-of-way.

2. Temporary storage units shall be located on the premises for which it is being used for a period of no more than thirty (30) days. Requests for extension to this time limit shall be in writing to the Township Board of Supervisors.
3. No more than one (1) temporary storage unit may be located on a specific parcel at any given time.
4. Temporary storage units shall not be located at the furthest accessible point from the street and no closer than ten (10) feet to the property line.
5. Temporary storage units shall not exceed nine (9) feet in height, ten (10) feet in width, and twenty (20) feet in length.
6. It shall be the obligation of the property owner or user of the temporary storage unit to secure the unit in a manner that does not endanger the safety of persons or property in the vicinity of its location and use.
7. In the event of high winds or other inclement weather conditions wherein the temporary unit may become a danger to persons or property, the Township Board of Supervisors may require the immediate removal of the temporary unit.
8. At no time shall a temporary storage unit be used to store solid waste or illegal or hazardous materials.
9. The property owner shall be responsible for ensuring that the area around the temporary storage unit is maintained.
10. Any temporary storage unit which is not removed at the end of the time period for which it was lawfully placed shall be immediately removed upon the direction of the Township Board of Supervisors. Provided the temporary storage unit is not removed by the property owner, the Township may remove the unit without notice, and the cost of removal, together with the cost of the administration for the removal may be assessed against the property on which the temporary unit is located and may be filed as a lien against such property by the Township Board of Supervisors.

## ***Section 602.14: Yard Requirements***

### **A. Application of Yard Requirements**

1. Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average of the depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district.
2. Where structures exist on both adjacent lots and are within one hundred fifty (150) feet of the proposed structure, and the existing structures have a front yard less than the minimum depth required, the minimum front yard shall be the average of depth of the front yards of the existing structures on the adjacent lots and the minimum depth required for the district.
3. All principle or accessory buildings or structures, whether open or enclosed, shall not project into any minimum front, side or rear yard except as noted in this Article.

4. Cornices, eaves, gutters, balconies, steps, stoops, light fixtures, sidewalks, retaining walls, awnings, bay windows or chimneys may project or be located within the minimum setback provided such projection is not more than twenty-four (24) inches.
5. Retaining walls and paved terraces without walls, roofs or other enclosures may be erected within the minimum setback of any yard.
6. No part of a yard or required open space surrounding a principle residential building or structure for the provisions of complying with this Ordinance shall be included as a part of a yard or other open space similarly required for another principle residential building or structure.
7. In any zoning district, the outdoor installation of appurtenant equipment related to air conditioning of a principle or accessory structure shall be located immediately adjacent to the structure for which it is being used and in no case shall the appurtenant equipment be located in a front yard (unless screened by planted landscaping) or in a side yard closer than fifteen (15) feet to an adjacent structure.
8. The location of accessory buildings or structures shall adhere to the side yard requirements of such accessory structure based upon its size as per the provisions of this Ordinance. In no case shall any accessory building or structure be located less than five (5) feet from any parcel boundary.
9. In no case shall parcel boundaries and/or lot lines of recorded plans or deeds be altered except by the approval of the Armstrong County Planning Commission per the requirements of the Armstrong County Subdivision and Land Development Ordinance.

#### B. Lot Area Measurement

1. The measurement of lot area shall conform to the definition of lot area found in this Ordinance.
2. A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculation the number of dwelling units permitted on that lot, shall not be used again as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part.
3. Any portion of a lot which is recorded or otherwise reserved for future street purposes shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

#### C. Height Provisions

1. Buildings and structures hereafter erected or enlarged in any zoning district shall conform to the maximum height requirements as set forth in this Ordinance for each zoning district.
2. Measurement: The measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
  - a. In case of flat roof structures - highest point of coping.
  - b. In case of mansard roof structures - deck line of roof.
  - c. In case of gable or hipped roof - average height of roof. (A habitable attic shall be counted as a story).
3. Exceptions: The following structures are exempt from height regulations provided they do not constitute a hazard: flag pole; church spires, towers, belfries and domes; chimneys; smoke

stacks and ventilation towers/stacks; conveyors; standpipes; water tanks; elevator bulkheads; silos; or similar projections not used for human occupancy.

## **Article VII**

### **ADDITIONAL CRITERIA PERTAINING TO PERMITTED AND CONDITIONAL USES**

#### ***Section 703: Additional Criteria for Permitted and Conditional Uses***

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided in this Article by the following supplementary regulations.

#### ***Section 703.1: Adult Uses***

Within the C-I District and in the I-1 District, an Adult Use is a permitted conditional use upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and referral rules and regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but is not limited to:

##### **A. Location**

1. An Adult Use shall not be located within one thousand (1,000) linear\* feet of any property which is zoned residential.
2. An Adult Use shall not be located within one thousand (1000) linear\* feet from any public or private school, designated bus stop, pre-school, day care center, museum, library or any other educational use; hospital, assisted living facility, group home facility or any other institutional facility used for housing and or the care of people; church, places of worship, and any other religious use; private or public parks, playground, camps, campgrounds, amusement park, community center, or any other place used for recreation; and any establishment licensed to serve or sell alcoholic beverages.
3. An Adult Use shall not be located within two thousand (2000) linear\* feet of another Adult Use.

\*The measurement of distance shall be in a straight line, without regard to intervening structures, from the closest point on the exterior of the parcel line of the Adult Use and the closest point on the exterior of the parcel line of the other use.

##### **B. Permitting**

1. No Adult Use shall open for operation without an approved permit or shall continue operation without a valid annual license in accordance with this Ordinance and all applicable laws.
2. An application for a permit to operate an Adult Use must be made on a form provided by the Zoning Officer.
  - a. Any person who proposes to operate an Adult Use as an individual, must sign an Application for a permit as the Applicant. Provided the person who wishes to operate an Adult Use is other than an individual, each individual who has ten (10) percent or greater interest in the business must sign the application for a permit as an Applicant. Provided a

corporation is listed as owner of an Adult Use or as the entity which wishes to operate such business, each individual having a direct or indirect interest of ten (10) percent or greater in the corporation must sign the application for a permit as Applicant.

- b. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the use. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with dimensions of the interior of the premises to any accuracy of plus or minus six (6) inches.
3. The premises shall be inspected by the Zoning Officer, Code Enforcement Officer and Fire Chief and shall be found to be in compliance with all applicable ordinances and laws. The Zoning Officer, Building Code Officer, or Fire Chief shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Township.
  4. All Adult Use establishments shall at all times comply with the regulations imposed on such uses under the Pennsylvania Law, including but not limited to those established in 68 Pa. C.S.A. 5501, et seq. as may in the future be amended.
  5. The permit, if granted, shall state on its face, the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult Use and shall be posted in a conspicuous place at or near the entrance to the Adult Use so that it may be easily read at all times.
  6. The Township Zoning Officer shall approve the issuance of a permit to an Applicant within thirty (30) days after receipt of an application unless he/she finds one or more of the following to be true:
    - a. An Applicant is overdue in his/her payment to the Township of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to another Adult Use.
    - b. An Applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
    - c. The premises to be used for the Adult Use have been inspected and have been denied for occupancy by the Zoning Officer, Building Code Officer, or Fire Chief in accordance with applicable laws and ordinances.
    - d. The permit fee(s) required by the Township have not been paid.
    - e. The Applicant and/or application is in violation of or is not in compliance with any of the provisions of this Ordinance.
    - f. The Applicant(s) have been convicted of an offense in any jurisdiction (whether in PA or any other state) that would have constituted an offense involving sexual misconduct. In order for approval to be denied pursuant to this subsection, the Applicant's conviction or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application for the proposed use in the event of a misdemeanor, and within five (5) years of the date of application for the proposed use in the event of a felony.



7. The Applicant or Permittee shall not operate an Adult Use under the authority of a permit at any place other than the address designated in the application and on the permit issued by the Zoning Officer.

#### C. Inspections and Licensing

All Adult Uses shall be subject to inspections as follows:

1. An Applicant or Permittee shall permit representatives of the Police Department, Fire Department, Zoning Officer, Building Codes Officer, or other municipal department representatives or agencies to inspect the premises for the purpose of insuring compliance with the law, at any time that the business is occupied or open for business.
2. Provided the renewal for a license is denied, the Applicant shall not be issued a permit for one year from the date of denial, except that after thirty (30) days have elapsed since the date of denial, the Applicant may be granted a renewed license provided the basis for the denial of the license renewal has been corrected or abated.
3. The annual fee for Adult Use inspection and licensing shall be established by resolution by the Township Board of Supervisors.

#### D. Suspension and Revocation of License

1. The Zoning Officer shall suspend a License for a period not to exceed thirty (30) days if he/she determines that a permittee or employee of a permittee has violated or is not in compliance with any section of this Ordinance, has engaged in excessive use of alcohol while on the premises, has refused to allow the inspection of the premises, has knowingly permitted gambling on the premises.
2. The Zoning Officer shall revoke a license if a cause for suspension occurs twice within a period of twelve (12) months.

#### E. General Regulations

1. No materials sold within shall be visible from any window, door, or exterior of the building.
2. No person under the age of eighteen (18) years of age shall be permitted within an adult commercial store or sold any pornographic material.
3. No alcoholic beverages shall be permitted on the premises at any time.

#### F. Lot Configuration and Design

Lot configuration and design for Adult Uses must comply with all applicable sections of this Ordinance to include but not limited to: lot size, building line set-backs, lighting, landscaping, ingress/egress, parking, and loading/unloading.

#### G. Uses Exempt from those considered as an Adult Use

A proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation; an accredited private college or university which maintains and operates educational programs for the purposes of education of arts and any business enterprise such as an art studio or photography studio wherein and wherefore no advertising indicates nudity of persons is available for display and where there is no more than one (1) nude model on the premises at any time.

## ***Section 703.2: Agriculture, Animals, and Poultry***

The use of buildings/structures and land for farming, gardening, riding academies, livery or boarding stables, stock raising, dairying and poultry shall be considered permitted uses in the RA zoning district subject to the following special provisions:

- A. Outdoor storage of manure, or odor or a dust-producing substance shall not be permitted within one hundred (100) feet of any lot boundary line.
- B. Greenhouse heating plants shall not be operated within fifty (50) feet of any lot boundary line.
- C. Buildings in which animals or poultry are kept shall not hereafter be erected within fifty (50) feet of any lot boundary line where an abutting property accommodates a residential use.
- D. The selling of product raised, bred or grown on the premises shall be permitted, provided that all stands or shelters used for such sales shall be removed during those seasons when not in use for the display or sale of products.
- E. Accessory structures including, but not limited to, livestock pens, barns, silos and chicken coops shall be located at least one hundred (100) feet from and adjacent residential use.

**Animal Hospital - see Kennel**

## ***Section 703.3: Assisted Living Facilities/ Personal Care Homes/ Nursing Homes/Skilled Nursing Facilities and all other like Uses***

Assisted living facilities, personal care homes, nursing homes and all like uses shall be conditional uses in the R-2, R-3, and RA Zoning Districts. upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and referral rules and regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but is not limited to:

- A. The minimum site area required for an assisted living facility shall be five (5) acres.
- B. The dwelling unit density shall not exceed twelve (12) dwelling units per acres.
- C. No building/structure to be used for residential purposes shall exceed .75 of an acre (32,670 square feet) in lot coverage.
- D. Off-street parking shall be provided at the rate of one (1) parking space for each staff person on peak shift, plus one (1) parking space for each dwelling unit, plus (1) parking space for each ten (10) dwelling units to be designated for visitor parking.
- E. Common outdoor open space shall be provided on the site to accommodate the leisure and recreational needs of the residents. These area shall be adequately buffered from adjacent uses.
- F. The facility shall be designed to maximize accessibility by fire-fighting and emergency vehicles.

- G. The facility shall be designed to provide a protected off-street area for dropping off and picking up residents.
- H. The facility may include common dining area and shall include common leisure and/or recreational areas.
- I. The facility may include accessory supporting uses such as but not limited to a commercial rated kitchen, beauty shop, barber shop, laundry facilities, recreation room, physical therapy room, and gift shop. Such accessory uses shall be restricted to use by the residents, staff and visitors of residents only and shall not be detached from the principle structure/building. There shall be no exterior signage for accessory supporting uses.

### ***Section 703.4: Automobile Gasoline Station/Automobile Repair Facility/ Automobile Garage/ Automobile Service Center***

Within the C-1 District, automobile gasoline stations and minor repair and maintenance service centers/garages are conditional uses subject to all applicable sections of this Ordinance and the following specific provisions:

- A. The subject property shall front on an arterial or collector road and shall comply with PA DOT ingress/egress regulations including the attainment of a Highway Occupancy Permit where applicable.
- B. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day care facility, playground, library, hospital or nursing, rest or retirement home.
- C. All maintenance, repair and paint work shall be performed within an enclosed building.
- D. The outside storage of motor vehicles (whether capable of movement or not) for more than thirty (30) days is prohibited.
- E. All vehicle parts, refuse, and similar articles shall be stored in an indoor storage and inventory area.
- F. The outside storage of motor vehicle (whether capable of movement or not) for more than thirty (30) days is prohibited.
- G. No more than three (3) motor vehicles (whether capable of movement or not) may be stored on the premises at any one (1) time and no more than two (2) unregistered, unlicensed vehicles in the process of restoration shall be stored or parked on the exterior of a lot.
- H. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet from adjacent property boundaries and shall be screened from any adjoining residential properties.

### ***Section 703.5: Automobile Sales***

Within the C-1 District, automobile sales establishments are conditional uses subject to all applicable sections of this Ordinance, all state and federal regulations, and the following specific provisions:

- A. All automobile parts and similar articles shall be stored within a building.

- B. All fuel shall be stored within a building or enclosed area.
- C. Lubrication, oil changes, tire changes, and minor repairs must be performed within a building.
- D. The outdoor storage of wrecked vehicles or vehicles not capable of movement is prohibited.

### ***Section 703.6: Bed and Breakfast/Guest House***

Within the R-1, R-2, R-3, RA and I-1 and I-2 Zoning Districts, bed and breakfast/guest houses are permitted uses subject to applicable sections of this Ordinance and the following specific provisions:

#### A. Occupancy:

1. No single-family residential building may be used or occupied as a bed-and-breakfast/guest house without compliance with all of the regulations established in this section and the issuance by the Zoning Officer of a Use and Occupancy Permit.
2. The number of guest rooms for temporary accommodation shall not exceed three (3) in any building having a habitable floor area of less than three thousand (3,000) square feet. One (1) additional guest room may be added for each additional six hundred (600) square feet of habitable floor area up to a maximum total number of six (6) guest rooms.
3. No more than two (2) adults and three (3) children may occupy one (1) guest room.
4. The use shall be carried on primarily by members of the immediate family which must reside on the premises.
5. Non-resident employees shall be limited to two (2), in addition to the resident members of the family.
6. No guest may be registered for a maximum continuous period in excess of seven consecutive nights. The owner shall maintain a guest register and shall preserve registration records for a minimum of three years. The register and all records shall be made available for inspection by the Township Zoning Officer or Codes Enforcement Officer at any time.
7. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon refreshments only.
8. No more than one employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.
9. Any bed and breakfast/guest house containing four (4) or more guest rooms shall be served by public sewer.

#### B. Parking:

1. There shall be two (2) parking spaces provided for the members of the residing family (includes attached or detached garage bays), one (1) parking space for employees, and one (1) parking space for each guest room.
2. The minimum parking setback from an adjacent property line shall be 15 feet.

3. Where four (4) or more parking spaces are provided, the parking area shall be screened from direct view of any adjacent residential use by a completely planted visual barrier consisting of a double row of evergreen plantings with a minimum height of six feet after the planting and placed no more than eight feet apart. The required plantings shall be staggered so as to provide as complete a visual barrier as is possible.
4. Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court, shall be solely for the use of the owner, the owner's family and the owner's registered guest.
5. Lot Configuration and Design

C. Lot Configuration and Design:

1. Lot configuration and design must comply with all applicable sections of this Ordinance to include but not limited to: building line set-backs, lighting, and ingress/egress.
2. Area: The minimum lot size shall be the minimum lot size designated in the applicable zoning district, plus an additional five thousand (5,000) square feet for each guest room for any lot less than one acre.

D. Permitting:

1. No Bed And Breakfast/Guest House may be open for operation without an approved permit or shall continue operation without an annual inspection and valid annual license in accordance with this Ordinance and all applicable laws.
2. An application for a permit to operate a Bed and Breakfast/Guest House must be made on a form provided by the Zoning Officer.
3. Upon compliance with all of the requirements of this section and other applicable codes and regulations, the Zoning Officer shall be authorized to issue a permit which shall be valid for a period of one year unless sooner revoked for violation of any condition imposed by the Zoning Officer such as any misrepresentation of fact made to the Zoning Officer or Codes Enforcement Officer in conjunction with the application and review process or violation of this section or any provision of this Code.

H. Inspections and Licensing

1. Within 30 days prior to the expiration of an annual license, the property owner shall make application for a license renewal to the Township. The Zoning Officer, Building Code Officer and/or Fire Chief shall, as a condition of issuance of such renewal, make an inspection of the premises for which the permit is sought to determine continued compliance with this Ordinance and all applicable Codes.
2. In the event that a violation exists, the permit shall not be renewed until the violation is cured.
3. Upon nonrenewal or revocation of the permit for cause shown, the use of the premises as a bed-and-breakfast/guest house shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this chapter and/or such other legal action as the township shall determine necessary.
4. The annual fee for inspection and licensing shall be established by resolution by the Township Board of Supervisors.

## ***Section 703.7: Campgrounds (public and private) and Cottage Developments***

Campgrounds (including recreational vehicle parks) and private campgrounds (including cottage developments) are conditional uses in all districts, upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and referral rules and regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but is not limited to:

- A. All campgrounds are subject to the provisions for land development as found in the Armstrong County Subdivision and Land Development (SDLD) Ordinance. Where provisions of the Armstrong County SDLD Ordinance and other state laws may conflict with the South Buffalo Township Zoning Ordinance, the most restrictive provisions shall apply.
- B. All public campgrounds must secure a Campground Permit from the Pennsylvania Department of Environmental Protection.
- C. Design:
  - 1. All campgrounds (including recreational vehicle parks) and private campgrounds (including cottage developments) must be located on a single tract or multiple adjoining tracts recorded under single ownership or group ownership of the same persons or entity.
  - 2. The lot size (to include adjoining tracts of ownership to be used for the campground) shall be a minimum of ten (10) acres in any zoning district.
  - 3. Permanent structures (does not include towable trailers or motorized recreational vehicles) may be clustered, but the maximum overall density shall not exceed one (1) cottage per one half (1/2) acre.
  - 4. There shall be a minimum of two thousand (2,000) square feet of area provided for each campsite.
  - 5. Campgrounds and Cottage Development shall be accessed from a public road.
  - 6. In no case shall individual camp sites be accessed from public roads but shall abut and be accessed from an internal driveway for vehicular ingress and egress, except for tent campsites which shall be two hundred fifty (250) feet maximum from an internal driveway.
- D. Occupancy:
  - 1. The permitted use shall be seasonal only and shall not exceed one hundred eighty (180) days during any calendar year.
  - 2. No travel campers (towable trailers or motorized recreational vehicles) exceeding 45' in length shall be permitted in any campground whether public or private.
  - 3. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the vehicle.
- E. Sewage:

1. All permanent structures must be connected to a public sewer or on-lot sewage treatment plant, or all cottages shall be equipped with sewage holding tanks of adequate size and shall be pumped periodically (at least once annually) at the owner's expense. In no instance, shall the Township be responsible for sewage treatment or removal. In such an event, the Township shall rescind the operating license for the campground.
2. Permanent structures (does not include towable trailers or recreational vehicles) must be connected to a public sewer or on-lot sewage treatment plant, or all cottages shall be equipped with sewage holding tanks of adequate size and shall be pumped periodically (at least once annually) at the owner's expense. In the case where sewage holding tanks are provided for cottages, the owner shall annually submit as evidence, the sewage holding tank pumping receipts as part of the license renewal process. In no instance, shall the Township be responsible for sewage treatment. In such an event, the Township shall rescind the operating license for the campground.
3. All campgrounds shall furnish centralized sanitary sewer collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining properties.
4. In no instance shall sewage be permitted to be dumped or seep from holding tanks on camp sites.

F. Garbage Collection:

1. All campgrounds shall furnish centralized garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining properties.

G. Accessory Uses:

1. Accessory uses such as management headquarters, camp store, bathhouse and structures customarily incidental to operation of a campground are permitted, provided:
  - a. Such shall be restricted in their use to occupants of the campground only.
  - b. Their commercial character (which would attract customers other than occupants of the campground) shall be invisible.

E. Permitting:

1. No Campground or Cottage Development may be open for operation without an approved permit or shall continue operation without an annual inspection and valid annual license in accordance with this Ordinance and all applicable laws.
2. An application for a permit to operate a Campground or Cottage Development must be made on a form provided by the Zoning Officer.
3. Upon compliance with all of the requirements of this section and other applicable codes and regulations, the Zoning Officer shall be authorized to issue a permit which shall be valid for a period of one hundred eighty (180) days unless sooner revoked for violation of any condition imposed by the Zoning Officer such as any misrepresentation of fact made to the Zoning Officer or Codes Enforcement Officer in conjunction with the application and review process or violation of this section or any provision of this Code.

I. Inspections and Licensing



1. The property owner shall make annual application for a license renewal to the Township. The Zoning Officer, Building Code Officer and/or Fire Chief shall, as a condition of issuance of such renewal, shall inspect the premises for which the permit is sought to determine continued compliance with this Ordinance and all applicable Codes.
2. In the event that a violation exists, the permit shall not be renewed until the violation is cured.
3. Upon nonrenewal or revocation of the permit for cause shown, the use of the premises as a campground or cottage development shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this chapter and/or such other legal action as the township shall determine necessary.
4. The annual fee for inspection and licensing shall be established by resolution by the Township Board of Supervisors.

### ***Section 703.8: Car Wash***

Within all zoning districts, a car wash is a permitted use. Car washes shall be permitted conditional uses in all other Zoning Districts upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and federal regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but is not limited to:

- A. No sinkhole, stream or watercourse shall be used for the draining of car wash affluent of waste water.
- B. Each washing bay shall provide an on-site stacking lane at least eighty (80) feet long.

### ***Section 703.9: Cemetery***

Within the R-1, R-2, R-3, RA and C-1 Zoning Districts, cemeteries, including mausoleums are permitted uses. Cemeteries are subject to applicable sections of this Ordinance and the following specific provisions:

- A. The minimum lot area for new cemeteries shall be five (5) acres.
- B. Burial plots or mausoleums shall not be located in flood plain areas.
- C. All cemetery companies, other than a bona fide church or religious congregation, shall have a current and valid registration certificate issued by the PA Real Estate Commission pursuant to the act of February 19, 1980 (P.L.15, No.9), known as the "Real Estate Licensing Act" prior to conducting any activities.

### ***Section 703.10: Chemical Plants/Chemical Facilities/Chemical Storage Facilities***

Chemical plants, chemical facilities and chemical storage facilities shall be permitted in the I-2 Zoning District subject to all applicable sections of this Ordinance and subject to the following specific provisions:

- A. All activities must be in compliance with applicable federal, state and local regulations.
- B. All activities except outdoor material storage must be conducted within an enclosed structure.
- C. All activities must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.
- D. No activity or part thereof maybe located closer than one thousand (1,000) feet to the parcel boundary of any school, hospital, nursing home or dwelling unit.
- E. Setbacks on all sides shall be no less than three hundred (300) feet.

### ***Section 703.11: Church related Educational or Day Care Facilities***

Within all zoning districts (except the I-2 district), church related educational and day care facilities are conditional uses subject to applicable sections of this Ordinance and the following specific provisions:

- A. All educational or day care uses shall be accessory, and located upon the same lot as a house of worship.
- B. Provided education or day care services are offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjacent residential properties. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- C. Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven-day period.
- D. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- E. All educational or day care uses shall be governed by the lot size and building height standards imposed upon principal uses within the underlying District.

### ***Section 703.12: Clubs, Lodges, and Fraternal Organizations***

Clubs, lodges and fraternal organizations shall be permitted uses in all Zoning Districts (except the I-2 district) upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and federal rules and regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to:

- A. All private clubs shall have access to a private or public road.
- B. All off-street parking shall be located to the sides or rear of the principal structure but no closer than twenty-five (25) feet from the right-of-way line of adjoining road(s) or thirty (30) feet from any adjoining residential lot lines.

- C. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
- D. A vegetative buffer shall be provided along any adjacent residential property.

### ***Section 703.13: Day Care Center/Facility***

Within all zoning districts except the I-2 district, commercial day care centers/facilities are permitted uses subject to applicable sections of this Ordinance and the following specific provisions:

- A. Care is provided for seven (7) or more children, at any one time, where the child care areas are not being used as a family residence.
- B. All day care centers/facilities require approval or licensure, as specified by the Pennsylvania Department of Public Welfare and the Pennsylvania Department of Labor and Industry.
- C. The minimum yard, setback and lot width requirements for other permitted uses in the applicable zoning districts shall be met.
- D. Sewer and water services shall be provided
- E. No commercial day care center shall be constructed within one-half (0.5) mile radius of any other group home.

### ***Section 703.14: Communications Towers and Antennas***

Communication towers and antennas are a conditional use in all Zoning Districts and are subject to all applicable sections of this Ordinance and the following specific provisions:

- A. In the consideration of any application for a Communications Tower or Antenna, the applicant shall demonstrate to the Planning Commission that:
  - 1. It is licensed by the Federal Communications Commission (FCC) to operate a Communication Tower and Communication Antennas (where applicable).
  - 2. The Communication Tower and Communication Antennas proposed to be mounted thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
  - 3. Prior to constructing a new Communications Tower, a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed tower site be contacted and that one (1) or more of the following reason for not selecting such structure apply:
    - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
    - b. The proposed antennas and related equipment could cause radio frequency inference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

- c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.
  - e. A commercially reasonable agreement could not be reached with the owners of such structures.
- 4. The proposed height of the communications tower is the minimum height necessary to perform its function.
- 5. The location of the proposed communication tower is safe and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- B. Communication Towers shall:
  - 1. Comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Requirements.
  - 2. Be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
  - 3. Be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting evidence from the professional registered engineer shall be provided and shall demonstrate that the proposed structure will withstand wind, storm, ice, lightning, and other natural forces.
  - 4. Documentation shall be provided by a professional registered engineer that demonstrates that the communication tower is structurally capable of handling antennas, dishes and other equipment and apparatus to be mounted or attached to the tower and shall specify the maximum load limits for the structure.
  - 5. Be protected and maintained in accordance with the requirements of the Building Code adopted by the Township.
- C. Communication Towers may be located on a lot occupied by other principle structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- D. The maximum height of a Communication Tower shall be one hundred fifty (150) feet; provided however that such height may be increased to no more than two hundred (200) feet, provided that required setbacks from adjoining property lines are increase by one (1) foot for each one (1) foot of height above the maximum height of one hundred fifty (150) feet. In no case shall equipment, antennas or other apparatus be mounted so as the highest point of such exceeds two hundred (200) feet.
- E. The communication tower and all equipment shall be enclosed by a ten (10) foot high chain link fence having three (3) strands of barbed wire attached to the top of the chain link fence.
- F. Access to the site shall be restricted and shall remain locked when unattended.

- G. So as to screen the foundation and base and communications equipment from abutting properties, the base of the communication tower shall be landscaped with natural screening not to exceed six (6) feet in height.
- H. Structures related to the communication tower shall be equipped with a twenty-four (24) hour security system.
- I. The communication tower and related equipment shall be promptly removed when the need for communication purposes no longer exists for a period of one (1) continuous year.
- J. The recording of a land development as per the requirements of the Armstrong County Subdivision and Land Development Ordinance shall be required for any parcel on which a communications tower is proposed to be constructed.
- K. Where communication towers are to be located in I-1 and I-2 Zoning Districts that at the periphery of the lot or parcel does abut any parcel wherein an existing residential use is the primary use, the communication tower shall be set-back one hundred (100) feet from the residential structure and a minimum of fifty (50) feet from the parcel boundary.
- L. The communication equipment structure/building shall comply with the required yard and height requirements for accessory structures for the zoning district in which it is located.
- M. The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.
- N. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- O. Any guy anchor must meet the minimum yard and building setback requirements of the zoning district in which it is located.
- P. No signs or lights shall be mounted on a communications tower, except as may be required by the FCC, Federal Aviation Administration or other governmental agency that has jurisdiction.
- Q. Access shall be provided to the communications tower and communications equipment building by means of an easement or right-of-way to a public street. The easement or right-of-way shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust free, permanently passable, all-weather driving surface for its entire length.
- R. All communication tower sites in excess of one acre shall be reviewed by the Armstrong Conservation District and shall comply with earth moving, and erosion and sedimentation control regulation.
- S. At least one (1) off-street parking space shall be provided within the fenced area of the communications tower site.
- T. The following shall be exempt from this Section:
  - a. Any telecommunications tower that is less than one hundred (100) feet in height that is owned and operated by an amateur radio operator licensed by the FCC.
  - b. Any device designed for over-the-air reception of television broadcast signals, multi-channel multipoint distribution service or direct broadcast satellite service.

- c. Any telecommunications facilities located on property owned, leased or otherwise controlled by the municipality, provided that a license or lease authorizing the telecommunications facility has been approved by the municipality.
- d. Any cable television head end or hub towers and antennas used solely for cable television services.
- U. Any deviation from the above provisions shall require the applicant to obtain a variance from the Township Zoning Hearing Board

### ***Section 703.15: Conversion Apartments***

Within the R-2, R-3 Zoning Districts, a single family detached dwelling, existing on the effective date of this Ordinance may be converted into a structure containing two dwellings units when authorized by the Township Board of Supervisors and subject to all applicable sections of this Ordinance and the following specific provisions.

- A. Such units created by the conversion may include in-law apartments, granny flats, in-law suites, and other like uses.
- B. The lot shall comply with the applicable requirements established for the Zoning District in which it is located including applicable area provisions for a two-family dwelling.
- C. Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board.
- D. Where any dwelling unit is to be situated above the ground floor, such plans shall bear the approval of the Township's Building Code Officer.
- E. Said Plans shall provide adequate and suitable parking space for a minimum of two (2) off-street parking spaces for each dwelling unit; which shall have direct, unimpeded access to a public street.
- F. There shall be no external alterations to the dwelling except as may be necessary for reasons of safety.
- G. Fire escapes and outside stairways shall, where practical, be located at the rear of the building.
- H. The minimum habitable floor area for each dwelling unit shall be no less than five hundred (500) square feet.
- I. All dwelling units shall have separate sanitary, cooking and dining facilities.
- J. Each dwelling unit shall contain no less than one (1) bathroom and three (3) habitable rooms, of which, at least one (1) shall be a bedroom.
- K. Each dwelling unit shall conform to the Pennsylvania Uniform Construction Code.
- L. Prior to occupancy, the new dwelling unit shall require an Occupancy Permit issued by the Township, In addition, all other dwelling units in the building shall then be required to be inspected by the Township Building Codes Officer and shall require the issuance of an Occupancy Permit (whether already occupied).

**Dumps: See Landfills**

### ***Section 703.16: Essential Services***

**Essential Services:** Facilities and structures, which are essential for the provision or transmission to the public of utilities and related services such as sewerage, water, electric and telephone.

Essential Service installation shall be permitted in all Zoning Districts and shall be subject to the following provisions:

- A. Essential Services (excluding communications towers and appurtenances) are excluded from the minimum lot size, lot width, height limitation, and building set-back requirements in all zoning districts except where buildings/structures are erected.
- B. In such cases where buildings/structures are proposed, essential services are permitted conditional uses in all Zoning Districts upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law.
- C. The Township Board of Supervisors shall have the authority to place additional safeguards as deemed necessary to the public, health, safety, and general welfare in addition to but not limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control, building/structure height restrictions, municipal road bonds, and ingress and egress restrictions and the following provisions:
  1. Fees for the Public Hearing, as established by resolution of the Township Board of Supervisors, shall be the responsibility of the applicant.
  2. Facilities located in residential districts and in other districts located adjacent to a residential dwelling, the facility shall be properly screened, buffered and fenced where deemed necessary.
  3. Facilities located in residential districts and in other districts located adjacent to a residential dwelling, the external design of the facility shall be similar to that of the character of the existing buildings in the neighborhood.
  4. One (1) off-street parking space shall be provided on the site.
  5. No facility shall be used as an everyday work area.

### ***Section 703.17: Forestry/Logging Activities***

Forestry and logging activities shall be a permitted conditional use in any Zoning District only upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all rules and regulations of the PA Department of Environmental Protection that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to:



- A. A forest management or forest harvesting plan (prepared by a qualified professional) shall be submitted and approved by the Armstrong County Conservation District or its designee and shall address and comply with the requirement of all applicable state laws and regulations including, but not limited to:
  - 1. Erosion and sedimentation control regulations contained in Title 25 of the Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 PS. § 691.1 et. seq.).
  - 2. Stream crossing and wetlands protection regulations contained in 25 PA Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et. seq.).
  - 3. The South Buffalo Township Stormwater Management Ordinance pursuant to the Stormwater Management Act (32 P.S. § 680.1 et. seq.).
- B. The approved forest management plan or forest harvesting plan along with the approval letter shall be submitted to the Township Board of Supervisors,
- C. Noise limitations involving hours of operation,
- D. Provisions for dust control,
- E. Provisions for erosion and sedimentation control,
- F. Attainment of municipal road bonds,
- G. Ingress and egress restrictions.
- H. Site clean-up to include the removal of garbage and litter from the property
- I. Subsequent to a Conditional Use Hearing wherein all conditions have been met by the Applicant, the Township Zoning Officer shall issue a permit for forestry and logging activities.
- J. Failure to secure such permit prior to initiating the forestry or logging activity shall result in the filing of a Notice of Violation and Enforcement Action against the property owner and/or applicant. For each day a violation of these provisions continues, penalties in accordance with this Ordinance shall be imposed.

### ***Section 703.18: Oil and Gas Exploration, Production, Drilling and Transmission***

All operations for exploration, production, drilling and transmission for oil and gas (to include coalbed methane drilling, gas compressor stations, gas processing plants and similar facilities performing the equivalent functions) shall be conditional uses in all residential districts (including the RA district) and are conditional uses by right in all other districts, upon authorization of the South Buffalo Township Board of Supervisors, as a result of the South Buffalo Township Planning Commission review and recommendations and a Conditional Use Hearing thereon by the Board of Supervisors (duly advertised as provided by law), and subject to the requirements established in the Pennsylvania Oil and Gas Act and those of the Pennsylvania Department of Environmental Protection that apply to such operations, and further subject to the requirements outlined in this Section and any additional conditions to safeguard the public, health, safety, and general welfare deemed necessary by the Board of Supervisors.

All operations for exploration, production, drilling and transmission for oil and gas (to include coalbed methane drilling, gas compressor stations, gas processing plants and similar facilities performing equivalent functions) shall be conditional uses in the R-1, R-2, and R-3 Zoning Districts; only upon authorization of the South Buffalo Township Board of Supervisors, as a result of the South Buffalo Township Planning Commission review and recommendations and a Conditional Use Hearing thereon by the Board of Supervisors (duly advertised as provided by law), and subject to the requirements established in the Pennsylvania Oil and Gas Act and those of the Pennsylvania Department of Environmental Protection that apply to such operations, and further subject to the requirements outlined in this Section and additional conditions to safeguard the public, health, safety, and general welfare deemed necessary by the Board of Supervisors.

A. Oil and Gas Exploration, Production, Drilling and Transmission Defined

The term “oil and gas exploration, production, processing, or treatment operations or transmission facilities” means all field activities or operations associated with exploration, production, processing, treatment operations, transmission facilities, and maintenance; and including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations are considered construction activities.

B. Applicability

This Section applies to all operations for exploration, production, drilling and transmission for oil and gas (to include coalbed methane drilling, gas compressor stations, gas processing plants and similar facilities performing equivalent functions) that are constructed after the effective date of the Ordinance.

C. Severability

Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. South Buffalo Township acknowledges that the Township is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

D. Prior Approvals and Post Approval Modifications

All operations for exploration, production, drilling and transmission for oil and gas (to include coalbed methane drilling, gas compressor stations, gas processing plants) and similar facilities performing the equivalent functions that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this Ordinance after the effective date of this Ordinance; unless modifications are made to an existing or permitted activity that materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant, or any changes or modifications to the activities being conducted at the site in a given year shall require compliance with and a permit under this Ordinance.

E. Permit Requirement

1. No operation for exploration, production, drilling and transmission for or of oil or gas (to include coalbed methane drilling, gas compressor stations, and gas processing plants) and similar facilities performing equivalent functions shall be constructed or located within South Buffalo Township unless a permit has been issued by the township to the Applicant/Owner/Operator/Driller approving the construction or preparation of the site for such activities.
2. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an

existing natural gas compressor station or natural gas processing plant shall require a modification of the permit under this Ordinance.

3. Development and/or construction activity permits issued under this Ordinance shall be valid for 1 year from the date of permit issuance.
4. Upon expiration of an annual permit, the owner/driller/applicant must renew an annual permit by filing application with the Zoning Officer. The Zoning Officer upon site inspection shall verify no changes or modifications (whether constructed or activity) to the site and shall issue a renewed annual permit. Provided the Zoning Officer, upon site inspection, finds changes or modifications (whether constructed or activity); or provided the owner/driller/applicant proposes changes or modifications (whether constructed or activity) an application de novo for a Conditional Use approval shall be required – in accordance with this Commencement of Activities (Section F) and Process for Approval (Section G) of this Article.

#### F. Commencement of Activities

All activities involving the operation for exploration, production, drilling and transmission for or of oil or gas (to include coalbed methane drilling, gas compressor stations, and gas processing plants) and similar facilities performing equivalent functions shall not commence until the owner/driller/applicant has been issued the requisite State Permits and has submitted all information as required by South Buffalo Township for review and conditional use approval as a result of a Conditional Use Hearing.

#### G. Process for Approval

1. A permit application, or an amended permit application, shall be accompanied by a fee as established in the South Buffalo Township's Schedule of Fees.
2. Pre-application Conference (optional)

Prior to submitting an application, the applicant is strongly encouraged to meet with the township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conference is intended for the benefit of the applicant to address the required permit submittals and is advisory only, and shall not bind the township to approve any application for a permit or to act within any time limit relative to the date of such conference.

#### 3. Submission Requirements

1. The applicant shall provide to the Township at the time of permit application:

##### a. Narratives:

- (i) A narrative describing an overview of the project including items such as: the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
- (ii) A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.

- (iii) The address (physical street address and longitude and latitude coordinates) of the oil or gas well site, natural gas compressor station, natural gas processing plant, and natural gas transmission lines.
- (iv) The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all Emergency Responders.
- (v) A narrative describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil and gas well site.
- (vi) A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
- (vii) A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.

b. Location Maps

- (i) A location map of the oil or gas well site showing the proposed location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site, and any post construction surface disturbances in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow and undisturbed traffic on public streets and roadways.
- (ii) A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
- (iii) A road map that indicates the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used for siting, drilling, construction, maintenance and operations.
- (iv) A location map that shows the proposed location of: derricks, drilling rigs, equipment and structures, water intake and discharge ponds, parking, and interior access roads on the leased oil or gas well site

- (v) A location map that shows the distance measurements between the site boundaries and the location of derricks, drilling rigs, equipment and structures, and compressor station or processing plant; and the distance measurements between the location of derricks, drilling rigs, equipment and structures, and compressor station or processing plant and residential structures on the parcel containing the leased site and adjacent parcels if proposed at less than 500 feet apart; and the distance between derricks, drilling rigs, equipment and structures, and compressor station or processing plant and underground drinking water sources on the parcel containing the leased site and adjacent parcels if less than 500 feet apart.
- c. Copies of Permits, Plans and Supplementary documentation to include at a minimum but may not be limited to:
- (i) Plans
    - (1) Water Management Plan for Marcellus Shall Gas Well Development (DEP: Form 5500 – PM – 0G0087);
    - (2) Pollution Prevention Contingency Plan (PPC) (25 PA. Code, Chapter 78 and Chapter 91.34); and or
    - (3) an approved Environmental Emergency Response Plan (DEP Document 400-200-001);
    - (4) Well Location Permit (DEP 5500-PM-0G002);
    - (5) Erosion and Sediment Control Plan (ESCGP-1) for earth disturbance activities > 5 acres (Form 5500-PM-0G0005);
    - (6) Erosion and Sediment Control Plan for Earth Disturbance Activities for Oil and Gas Operations (< 5 acres of earth disturbance) (Form 5500-FM-0G0111);
    - (7) Well Site Restoration Report to include the records of disposal of all production wastes (Form 5500-FM-0G0075);
    - (8) Requests for Variance Approvals from distance restrictions from buildings or water supply (Form 5500-PM-0G0058)
  - (ii) The appropriate Permits pursuant to 25 PA Code, Chapter 105 where applicable
    - (1) DEP General Permit 5 (GP5) for utility line crossings; and/or
    - (2) DEP General Permit 7 (GP7) for small watershed crossing with a bridge or culvert (< 1 sq. mile); and/or
    - (3) DEP General Permit 8 (GP8) for temporary stream crossing.
- d. Other
- (i) Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency

Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.

- (ii) A copy of the site's most current Preparedness, Prevention and Contingency Plan and proof that it has been provided to all Emergency Responders (County, South Buffalo Township and all companies called as back-up to South Buffalo Township).
- (iii) A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall accept and comply with any applicable local road bond, road-cut, and driveway permitting requirements; and shall enter into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township's streets and roads that are to be used by vehicles for site construction, drilling activities, and site operations to include a list of all contractors and subcontractors (names, address, and contact information) that are considered as part thereof and covered under the road maintenance bond;
- (iv) A copy of the approved PADOT Highway Occupancy Permit (where applicable); and
- (v) Proof of General Liability Insurance in an amount not less than \$1,000,000.

#### H. Administrative Review for Completeness of Permit Application

1. All Plans and requisite information must be submitted to the Zoning Officer or designated staff person at least twenty (20) days prior to the Planning Commission Meeting. The Township staff shall conduct an Administrative Review of the Permit Application and requisite information.
2. Within seven (7) working days after a conditional use application is submitted, the Township shall certify the conditional use application as substantially complete and accepted or incomplete and rejected. Within said time, the Township shall notify the applicant in writing if the conditional use application is incomplete and rejected and shall state the deficiencies in the application and shall return the filing fee.
3. The Township, from the date of Conditional Use Application submission and request for a Hearing, shall have 60 days to hold a Conditional Use Hearing pursuant to the Pennsylvania Municipalities Planning Code (§ 913.2 of the MPC, 53 P.S. § 10913.2).
4. The Board of Supervisors or the Hearing Officer, shall render a written decision or make written findings on the Application within 45 days from the date of the last Hearing.

#### I. Conditional Use Requirements as may be applied by the Township Board of Supervisors

In granting a conditional use, the Township Board of Supervisors may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions may include but are not limited to:

1. The Township reserves the right to designate reasonable required truck hauling routes consistent with Township's Road Inspection and Posting Report, applicable road ordinances,

as well as the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation. The proposed routes must be designed to minimize the impact on streets within the Township.

2. Prior to the commencement of any activity, the applicant shall enter into a Township Roadway Maintenance and Repair agreement. Such agreement will be in a form acceptable to the Township and will require the posting of a bond at the paved highway rate in favor of the Township prior to beginning any work. The bond is to guarantee restoration of Township Roads damaged as a result of hauling and any other activity associated with Oil and Gas Exploration, Production, Drilling and Transmission.
3. The Township Roadway Maintenance and Repair agreement will identify the responsibilities of the applicant to prepare, maintain and repair Township roads before, during and immediately after drilling and other operations associated with Oil and Gas Exploration, Production, Drilling and Transmission. The applicant shall take all necessary corrective action and measures as directed by the Township pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling and other operations associated with Oil and Gas Exploration, Production, Drilling and Transmission.
4. The applicant shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
5. Beginning with its intersection with a public street, any access road or driveway for the development or drill site shall be paved with an impervious material for the first fifty feet (50') and consist of the following material:

- Compacted subgrade
- PADOT Class 4 Geotextile Fabric
- 8" AASHTO #2 Crushed Aggregate Base Course
- 2" PADOT 2A Aggregate (Choke material)
- 4" Compacted – Superpave 25mm Binder Course

The remainder of the driveway to the well pad shall be constructed with the following material:

- Compacted Subgrade
- 8" AASHTO #2 Crushed Aggregate Base Course
- 2" PADOT 2A Aggregate (Choke material)

6. An off-street area within the development site for vehicles to stand while gaining access to the gas well site shall be provided so that the normal flow of traffic on the public street is undisturbed.
7. The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development, the applicant will provide flagmen to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.
8. No use in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted will be permitted as follows:
  - A. Residential Uses: In excess of sixty (60) dba for a two (2) hour duration.
  - B. Commercial Uses: In excess of sixty-five (65) dba for more than eight (8) hours during a twenty-four (24) hour period.



- C. Industrial Uses: In excess of seventy-five (75) dba for eight (8) hours during a twenty-four (24) hour period.
9. The applicant shall have obtained permits from the appropriate regulatory agencies or authorities issued in accordance with all applicable laws and regulations for the proposed use. The applicant shall provide the Township with copies of each such permit application and permit, with copies of all supporting documentation. All permits must be maintained. Any suspension or revocation of a required permit shall void any conditional use approval and require a new application.
  10. Prior to development, the applicant shall provide to the Township a PA DEP approved Preparedness, Prevention and Contingency (CTPC) Plan that clearly outlines and describes all emergency planning associated with the proposed activity; and upon request, the applicant will, prior to drilling its first gas well in the Township, make available with at least 30 days notice (at the applicant's sole cost and expense) one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that the applicant conducts Oil and Gas Exploration, Production, Drilling and Transmission activities in South Buffalo Township.
  11. Any equipment or material stored outside or in an enclosed structure being used as an incidental part of the primary operation, shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility from any adjacent property or public road. All drill site pads and impoundment ponds shall be secured with a temporary fence with secured gates as follows:
    - (a) The fence shall be a minimum of 6 ft. in height, and shall be chain link with green/black/brown fabric mesh.
    - (b) The fencing shall be in place throughout the drilling operation and until the impoundment pond is removed.
    - (c) The chain link fence shall have a minimum thickness of eleven gauge.
  12. The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.
  13. All drilling operations shall be conducted in such a manner as to minimize dust, vibration or noxious odors and shall be consistent with the best accepted practices incident to drilling for oil or gas in urban/suburban areas, and shall also be in compliance with the Zoning Ordinance. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site. Structures on the drilling site shall not be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling shall be adopted as they become available if capable of reducing factors of dust, vibration and odor. Watering, wetting or other methods or materials must be used to control dust adjacent to occupied properties.
  14. No operation of heavy equipment, trucks, or drilling or pumping apparatus shall be conducted between the hours of 7 p.m. and 7 a.m. daily, or on Sundays or holidays, except by special permission issued by the Township Board of Supervisors.
  15. Temporary structures shall be limited to construction trailers, field office and any structure directly ancillary to the drilling operation. Temporary housing, dormitories and sleeping facilities shall be strictly prohibited. A Temporary Use Permit shall be acquired from the Township prior to placement of any Temporary Structure.
  16. Site lighting may not be directed so as to illuminate adjacent residential structures.

## **GREENHOUSE: see LANDSCAPING SUPPLY YARD**

### ***Section 703.19: Group Home***

Group homes are facilities intended to accommodate special persons (Article III Definitions) and are conditional uses by right in the R-1, R-2, R-3 and RA Zoning Districts in which single family dwellings are permitted.

- A. Groups homes shall be granted a permit for occupancy and operation upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and federal rules and regulations that apply to such use, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to:
  - 1. All group home structures should have the appearance of single family or other traditionally residential structures.
  - 2. All group homes shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable Zoning District.
  - 3. A group home must be sponsored and operated by a group, organization or corporation licensed by either the County or the State and shall comply with all federal and state laws. Proof of licensing shall be submitted with applications for the group home use.
  - 4. No group home shall be constructed within a one-half (0.5) mile radius of any other group home.
  - 5. The minimum requirements for off-street parking shall be those applicable to a single family dwelling in addition to one (1) space for every employee or care taker on peak shifts.
  - 6. The group home shall provide for the long-term needs of individuals and shall not accommodate the needs of transient individuals.

### ***Section 703.20: Home Occupations***

Home occupations are permitted conditional uses by right as accessory uses in all Zoning Districts in accordance with the following provisions:

- A. Home occupations in all Zoning Districts shall be granted a permit for operation upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all state and federal rules and regulations that apply to such use, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to:
  - 1. Home Occupations shall not supersede any deed restriction, covenant or agreement restricting use of the land, nor any master deed, by law or other document applicable to a common interest ownership community.

2. The business activity shall be compatible with the residential use of the property and surround residential uses.
3. The business activity shall be carried on only by a member of the immediate family with a maximum of one (1) non-resident employee.
4. The character or external appearance of the dwelling unit must be maintained as a residential dwelling.
5. There shall be no display of products so as to be visible from outside and no stockpiling or inventory of products in open areas.
6. There shall be no outside appearance of a business use, other than a permitted sign.
7. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, dust, smoke, heat, odors or electrical or electronic interferences, including interference with radio or television reception m which is detectable in the neighborhood.
8. The business activity may not generate any solid waste or wastewater discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
9. The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five (25) percent of the habitable floor area of the dwelling unit.
10. There shall be no parking needs permitted beyond normal residential dwelling needs.
11. Traffic generated shall not be in excess of fifteen (15) trips in one (1) day in addition to trips generated by the resident occupants. Note: A trip is defined as a vehicle traveling in one direction to or from a source.
12. Delivery of materials or supplies associated with the home occupation shall be made no more frequently than once per week.
13. Provided the residential dwelling is to be enlarged to accommodate the home occupation, the enlargement shall not exceed the original size of the dwelling by fifty (50) percent of the floor area.
14. The applicant must supply to the County Zoning Officer such information to ensure that all of the above requirements will be met. The zoning permit once issued shall continue in effect as long as there is no change in the nature or extent of the use.

### ***Section 703.21: Junk Yards/Automotive Recycling Facility/Scrap Yard***

Junk yards, automotive recycling facilities, and scrap yards shall be a permitted conditional use in the I-2 Zoning District only upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing hereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all rules and regulations of the PA Department of Environmental Protection that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to:

- A. The minimum lot area required shall be five (5) acres or 217,800 square feet.

- B. All materials shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water.
- C. No materials shall be piled or stacked in excess of six (6) feet in height.
- D. No facility shall be maintained in such a manner as to cause a public nuisance.
- E. No facility shall be maintained in such a manner that areas wherein the breeding or harboring of flies, mosquitoes, rats or other vermin shall occur.
- F. Any fluids which are discharged from machinery or vehicles shall be collected on site and disposed of by a licensed hazardous material waste hauler.
- G. Noise limitations involving hours of operation,
- H. Provisions for dust control,
- I. Ingress and egress restrictions.

### ***Section 703.22: Kennels***

Within the AC, and C-1 Zoning Districts, kennels, animal hospitals and veterinary facilities are permitted uses subject to all applicable sections of this Ordinance and the following specific provisions:

- A. The operator or owner shall hold all current state and local licenses and permits for the location, activity, and number of animals on the premises.
- B. All outdoor pasture/recreation areas shall be located in the rear yard and shall be enclosed to prevent the escape of the animals. The enclosure must be of a weatherproof material, a minimum of five (5) feet in height, and accessible only through a self-latching gate. All such enclosures shall be set back a minimum of ten (10) feet from all property lines. In addition, enclosures wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principle structure on an adjacent lot.
- C. Any structure used to house animals shall be equipped with code-approved nontoxic sound proofing materials.

### ***Section 703.23: Dumps***

Dumps shall be conditional uses in the I-2 Zoning District upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing, duly advertised as provided by law, and further subject to all rules and regulations of the PA Department of Environmental Protection that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control, building/structure height restrictions, municipal road bonds, and ingress and egress restrictions.

## ***Section 703.24: Landscaping Supply Yard/Horticultural Uses/Greenhouses***

Greenhouses for the private use of a residential property owner shall be a permitted accessory use in all zoning districts.

Landscaping supply yards, horticulture, and greenhouses for commercial sales purposes shall be permitted uses in the RA Zoning District and Conditional Uses in the C-1 and I-2 Zoning District upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing, duly advertised as provided by law, and subject to the following special provisions in addition to such conditions placed upon the applicant may include but may not be limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control, building/structure height restrictions, municipal road bonds, and ingress and egress restrictions.:

### **A. Personal Use:**

1. Greenhouses for personal use shall be considered an accessory to a residential use and shall be restricted to the private use of the residential property owner, shall not exceed an area of two hundred fifty (250) square feet in size, and shall be setback according to accessory use building setback provisions in the zoning district in which it is located.

### **B. Commercial Use**

1. Greenhouses, horticultural activities/facilities and landscaping supply yards for wholesale and retail sales shall be conducted on parcels of three (3) acres or more in size.
2. Accessory uses and accessory buildings incidental to the permitted use may be located on the same parcel or adjoining parcels shall be setback per the requirements of the principle use in the zoning district in which it is located.
3. Outdoor storage of materials, equipment and maintenance vehicles, shall be permitted only behind the principle structure(s).
4. Outdoor storage of materials for sale such as mulch, stone, rock, sand, wood bark shall be permitted to be located along the sides of the principle structure but shall be setback equal to the principle structure. Such materials shall be stored outdoors within contained areas so as to prevent movement and erosion and sedimentation of materials. No such materials shall be stored within a front yard or along any public roadway or within any road right-of-way. No such materials shall be stored within a flood plain area.
5. Employee and customer parking shall be required in accordance with the provisions set-forth in this Ordinance.
6. Adequate screening to separate the commercial establishment from an adjacent residential use is required.
7. Other conditions and limitations may be applied by the Township Board of Supervisors such as but not limited to noise control, dust control, ingress/egress, delivery ingress/egress, lighting, signage, and hours of operation.

## ***Section 703.25: Methadone Treatment Facilities***

Methadone treatment facilities shall be a conditional use in all Zoning Districts and shall require authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing by the Board of Supervisors, duly advertised as provided by law, and further subject to all rules and regulations of the PA Board of Health and other such regulating agencies, that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. This section shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.

- A. As used in this section, the term “methadone treatment facility” shall mean a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
- B. Not with standing any other provision of law to the contrary, methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility
- C. A methadone treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, or other place of religious worship if, by majority vote, the Township Board of Supervisors votes in favor of the issuance of an occupancy permit, pursuant to a Public Hearing in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- D. Notwithstanding any other provision of law to the contrary, a methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
- E. These provisions shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
- F. Notwithstanding, a methadone treatment facility may be established and operated closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the governing body for the municipality in which the proposed methadone treatment facility is to be located votes in favor of the issuance of an occupancy permit or certificate of use for said facility at such a location. At least 14 days prior to the governing body of a municipality voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to said public hearings occurring.

## ***Section 703.26: Mining***

Deep, open pit, and surface mining shall be permitted conditional uses in any Zoning District upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing, duly advertised as provided by law, and further subject to all rules and regulations of the PA Department of Environmental Protection that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control, building/structure height restrictions, municipal road bonds, and ingress and egress restrictions.

## ***Section 703.27: Modular/Mobil Home Sites***

Modular/Mobile Homes are single family dwellings and are permitted uses in all zones permitting single family dwellings.

### **A. Placement**

1. Owners of all modular/mobile home brought into South Buffalo Township after the effective date of this Ordinance shall provide evidence that home complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.
2. Prior to occupancy, the owner shall, where public sewage is not available, submit evidence that an approved and permitted on-lot sewage disposal system has been installed.
3. All modular/mobile home sites shall comply with the provisions for such in accordance with the Pennsylvania Uniform Construction Code and the owner shall obtain an Occupancy Permit from the South Buffalo Township Building Codes Officer.
4. All modular/mobile homes shall be placed on a permanent foundation. Foundations shall be at least eight (8) concrete or masonry piers set on a concrete footer, with a continuous masonry peripheral wall. The pillars shall not be less than twelve (12) inches or more than forty-eight (48) inches in height. Each pillar shall have installed a tie-down ring to which the home shall be secured. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.
5. All modular/mobile homes shall be securely tied to the foundation with over-the-top or built in steel straps or rust resistant steel straps or cables sufficient to secure the home to the foundation and withstand a tension of at least 2,800 pounds under wind conditions.
6. A solid weather-proof skirting material with appropriate cross ventilation shall continuously skirt the home and shall be maintained in good condition.
7. No modular/mobile home shall be permitted to be located in a flood zone.

### **B. Removal**

1. Prior to the removal of a modular/mobile home, the owner shall obtain a permit from the Township for removal.



2. The applicant shall submit proof of an approved permit from the Pennsylvania Department of Transportation pursuant to Chapter 179 issued under the Vehicle Code, 75 Pa.C.S. § § 4962 and 6103, unless otherwise noted.
3. The applicant shall submit receipts showing that all local, county, state, and school district taxes have been paid in full. It shall be unlawful to remove a modular/mobile home from South Buffalo Township until all taxes owed on the property and the dwelling have been paid in full as verified by the South Buffalo Township Tax Collector.

### ***Section 703.28: Modular/Mobile Home Parks***

Modular /mobile home parks shall be developed per the provisions of Planned Residential Developments (PRDs) contained within this Ordinance, the Armstrong County Subdivision and Land Development Ordinance, the Pennsylvania Uniform Construction Code where applicable, and the following specific provisions. Wherein provisions of this Section may conflict with the provisions of the Armstrong County Subdivision and Land Development Ordinance and or the PRD section of this Ordinance, the more restrictive provision applies.

- A. The minimum site area required for a modular home/ mobile home development shall be five (5) acres.
- B. The site shall be served by public water and public sewage facilities (to include collective on-site sewage treatment package facilities/plants).
- C. The minimum modular home/mobile home lot shall be eight thousand (8,000) square feet.
- D. The minimum yard requirements for each modular home/mobile home shall be thirty (30) feet for front yards (from the edge of the interior road right-of-way), twenty (20) feet for rear yards, and twenty (20) feet for side yards. Such yards shall be measured from the perimeter of the modular home/mobile home slab.
- E. Every modular home/mobile home shall front on a private or public street that is an interior road within the development.
- F. Each modular home/mobile home lot shall provide a minimum of two (2) off-street parking spaces and shall be permitted to be located within the front yard setback but not within the road right-of-way.
- G. Every modular home/mobile home development shall contain an off-street visitor's parking area that provides 1 parking space for every two (2) lots.
- H. The lot area for each modular/mobile home shall be improved to provide an adequate foundation for the placement of the modular/mobile home: All modular/mobile homes shall be placed on a permanent foundation. Foundations shall be at least eight (8) concrete or masonry piers set on a concrete footer, with a continuous masonry peripheral wall. The pillars shall not be less than twelve (12) inches or more than forty-eight (48) inches in height. Each pillar shall have installed a tie-down ring to which the home shall be secured. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.
- I. A landscaped buffer shall be provided along the side and rear site boundary lines of all modular home/mobile home developments and shall be maintained in good condition at all times.

- J. All interior roads and cartways shall be maintained by the land owner or home owner's association and shall at a minimum be mud-free at all times.
- K. Driveways, exits and entrances shall be lighted.
- L. No part of the development shall be used for any other uses except home sites, traffic and pedestrian circulation, park office, residence of the manager, central laundry facility, recreation areas, and utility buildings. Central toilet and shower room facilities are prohibited.
- M. No modular/mobile home development shall be located in a flood zone.
- N. Owners of all modular/mobile home brought into South Buffalo Township after the effective date of this Ordinance shall provide evidence that home complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.
- O. All modular/mobile home sites shall comply with the provisions for such in accordance with the Pennsylvania Uniform Construction Code and the owner shall obtain an Occupancy Permit from the South Buffalo Township Building Codes Officer.
- P. All modular/mobile homes shall be securely tied to the foundation with over-the-top or built in steel straps or rust resistant steel straps or cables sufficient to secure the home to the foundation and withstand a tension of at least 2,800 pounds under wind conditions.
- Q. A solid weather-proof skirting material with appropriate cross ventilation shall continuously skirt the home and shall be maintained in good condition.
- R. No modular/mobile home shall be permitted to be located in a flood zone.
- S. Removal:
  - 1. Prior to the removal of a modular/mobile home, the owner shall obtain a permit from the Township for removal.
  - 2. The applicant shall submit proof of an approved permit from the Pennsylvania Department of Transportation pursuant to Chapter 179 issued under the Vehicle Code, 75 Pa.C.S. § § 4962 and 6103, unless otherwise noted.
  - 3. The applicant shall submit receipts showing that all local, county, state, and school district taxes have been paid in full. It shall be unlawful to remove a modular/mobile home from South Buffalo Township until all taxes owed on the property and the dwelling have been paid in full as verified by the South Buffalo Township Tax Collector.

### ***Section 703.29: Motels and Hotels***

Motels and hotels are conditional uses in the C-1 and I-1 Zoning Districts.

- A. No motel/ hotel shall have a lot area less than five (five) acres.
- B. The site shall be served by public water and public sewage facilities (to include collective on-site sewage treatment package facilities/systems) and every unit shall be provided with running hot and cold water and private toilet/shower facilities.
- C. A landscaped buffer shall be provided along the side and rear site boundary lines and shall be maintained in good condition at all times.

- D. Front yards shall be permanently landscaped and maintained in good condition.
- E. Detached rooms such as cabins or parts thereof shall not be permitted
- F. At least one (1) off-street parking space shall be provided on the premises for each accommodation and one (1) off-street parking space for each employee at peak hours.

### ***Section 703.30: Public Buildings***

A public building/structure or recreational use may be established by the Township Board of Supervisors in any Zoning District pursuant to a Public Hearing, the purpose of which is to consider the impact of such building or use on adjacent properties. Any structure, building or extension thereof approved shall conform to the general character and architectural standards present through the District in which such building/structure or use shall be established.

### ***Section 703.31: Public Parks and Playgrounds***

A public park and/or playground shall be a permitted use in the R-1, R-2, and R-3 Zoning Districts and permitted conditional uses in the RA Zoning District and permitted accessory uses in PUD Overlay Districts that propose a mix of residential and non-residential uses.

- A. All recreation facilities and structures shall be planned and constructed in accordance with the U.S. Consumer Products Safety Commission's most recent publication on Public Playground Safety (SPSC Public Playground Safety Handbook).
- B. Lot Coverage: Lot area covered by all buildings/structures including accessory buildings/structures shall not be greater than thirty (30) percent of the total area of the lot or area designated for recreational purposes.
- C. A landscaped buffer shall be provided along the site's boundary lines and shall be maintained in good condition at all times.
- D. Other such conditions and limitations may be applied by the Township Board of Supervisors including but not limited to ingress/egress, parking, lighting, signage, and hours of operation.
- E. All structures shall be setback from property boundaries and or planned site boundaries per the minimum setback requirements of the zoning district in which it is located.
- F. Access drives shall be located to take advantage of maximum sight distances for motorists.
- G. Parking areas shall be screened from adjacent residential uses.
- H. Lighting shall be oriented so as not to create glare or excessive light conditions on adjacent properties or roads.
- I. Interior roadway directional signage is required.

### ***Section 703.32: Retail Shopping Center, Shopping Mall, Shopping Plaza***

A retail shopping center, shopping mall and shopping plaza shall be a conditional use in the C-2 and I-1 Districts upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing, duly advertised as provided by law, and further subject to all state and federal rules and regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control, building/structure height restrictions, municipal road bonds, and ingress and egress restrictions in addition to the following provisions:

- A. The site shall have frontage on and direct vehicular access to an arterial or collector street and shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access where necessary.
- B. The site shall have an interior roadway system to be maintained by the land owner, developer and/or applicant and shall have speed limitations and directional signage.
- C. The entire perimeter of the site shall be screened by landscaped buffers.
- D. Loading and delivery areas shall be proposed so as to promote safety and efficiency.
- E. Customer parking shall be designed in accordance with the Parking Requirements of this Ordinance.
- F. Other conditions and limitations may be applied by the Township Board of Supervisors such as but not limited to landscaping, lighting, signage, and hours of operation.

### ***Section 703.33: Sanitary Landfills and Transfer Stations***

Sanitary landfills and transfer stations shall be conditional uses in the RA, I-1 and I-2 Zoning Districts, upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing, duly advertised as provided by law, and further subject to all rules and regulations of the PA Department of Environmental Protection that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control, building/structure height restrictions, municipal road bonds, and ingress and egress restrictions.

- A. All applicable federal, state, and local statutes, regulations and enforcement procedures shall apply to the types of waste materials deposited at the landfill site and all handling, treatment and storage and other activities with respect to the operation of a transfer station.
- B. No landfill site or transfer station facility shall be located within one thousand (1,000) linear feet of any property line adjoining a residential use or Residential Zoning District.
- C. No landfill site shall be used for disposal of any hazardous materials, sewage treatment plant sludge, water treatment sludge, gas well sludge, or hazardous waste from residential, municipal,

commercial or institutional sources, as regulated by the Pennsylvania Department of Environmental Protection.

- D. A site plan shall be submitted that delineates adjacent land uses, ingress/egress to the site, the internal road system, use, staging and phasing areas, location of structures, screening, fencing, lighting, landscaping, and signage.
- E. The minimum site area for a landfill shall be twenty-five (25) contiguous acres.
- F. Township roads used to access the site shall be bonded in an amount sufficient to repair any damages to roads that may result from the landfill or transfer station facilities.
- G. Along with the site plan, supplementary information must be submitted containing planned provisions for: transportation of materials to and from the site, access routes, provisions for traffic control and procedures to minimize littering and overflow problems along access routes. In addition, procedures to be employed for anti-pollution and nuisance control, clean-up and site maintenance, the protection of area water supplies and water quality, rodent and insect infestation controls, and other applicable concerns related to the health and safety of adjacent properties must also be submitted.
- H. Adequate screening shall be provided along all site boundaries. The required screening shall have a height adequate to achieve its purpose and shall consist of dense evergreen plant materials that will provide a continuous opaque screen within twenty-four (24) months after commencement of facility operations and thereafter.
- I. All active use areas shall be completely enclosed by a metal fence not less than six (6) feet in height within the inside perimeter of the required planted screening, and shall be constructed of barbed wire or other appropriate material so as to prevent the entry by unauthorized persons.
- J. Transfer station facilities must take place within an enclosed building/structure.
- K. Other conditions and limitations may be applied by the Township Board of Supervisors such as but not limited to noise control, odor and dust control, lighting, signage, and hours of operation.

### ***Section 703.34: Schools, Hospitals, and Churches***

In Districts where permitted, these uses shall meet the following requirements:

- A. Zoning Districts herein, where a more restrictive provision has been established for such proposed uses, the Zoning District regulations shall take precedence over the specific provision(s) in this Section.
  - 1. Lot Coverage: Lot area coverage by all buildings/structures including accessory buildings/structures shall not be greater than thirty (30) percent of the total area of the lot.
  - 2. Yard Regulations:
    - a. Front yard setback: fifty (50) feet
    - b. Side yard setback: forty (40) feet
    - c. Rear yard setback: fifty (50) feet
    - d. Corner Lots shall be considered to have two (2) front yards.
    - e. Where schools, hospitals and churches abut a residential use, the side yard setback shall be a minimum of seventy-five (75) feet.

3. Off-Street Parking: Parking shall be provided in accordance with the provisions established by this Ordinance. Portions of the required front yard setback may be used for off-street parking when authorized by the Township Board of Supervisors
4. Minimum distance between buildings/structures:
  - a. Not less than fifty (50) feet in any direction.
  - b. No recreation structures shall be permitted to be placed between buildings unless said structures are not within the fifty (50) feet minimum distance between buildings.
5. Parking
  - a. The location of parking lots on the site shall be such as to provide maximum protection and facilitate traffic movement within the site and in relation to off-site abutting streets and roads.
6. Housing (where applicable)
  - a. Provided housing in connection therewith is provided, including but not limited to housing facilities for students, teachers, residents or interns, and parsonages or rectories; the lot area and population density shall be commensurate with that permitted in the zoning district wherein the institution is located.
7. A landscaped buffer shall be provided along the side and rear site boundary lines and shall be maintained in good condition at all times.
8. All recreation facilities and structures shall be planned and constructed in accordance with the U.S. Consumer Products Safety Commission's most recent publication on Public Playground Safety (SPSC Public Playground Safety Handbook) or shall be certified by the Pennsylvania Board of Education when located on school district property.

### ***Section 703.35: Senior Citizen Housing***

Senior citizen housing of a high density nature (3 or more units) shall be a subject to the following requirements:

- A. Senior citizen housing structures shall be situated on a minimum two (2) acre lot serviced by public water and public sewage.
- B. The maximum structure height shall be that as established in the R-3 Zoning District.
- C. There shall be a minimum of one (1) parking space per dwelling unit.
- D. All parking shall be on-site.
- E. Other conditions and limitations may be applied by the Township Board of Supervisors such as but not limited to ingress/egress, traffic circulation, lighting, and signage.

### ***Section 703.36: Supply Yards, Contractor Yards, Construction Yards***

Supply yards, contractor yards and construction yards shall be a conditional use in the I-2 Zoning District upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to

all rules and regulations of the PA Department of Environmental Protection that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to:

- A. The minimum lot area required shall be two (2) acres.
- B. All materials shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water.
- C. No materials shall be piled or stacked in excess of six (6) feet in height, unless stored on organized shelving adequate to withstand the weight of the product to be stored.
- D. No facility shall be maintained in such a manner as to cause a public nuisance.
- E. No facility shall be maintained in such a manner that areas wherein the breeding or harboring of flies, mosquitoes, rats or other vermin shall occur.
- F. Other conditions and limitations may be applied by the Township Board of Supervisors such as but not limited to ingress/egress, traffic circulation, lighting, and signage, dust control, noise limitations and hours of operation.

### ***Section 703.37: Swimming Pools***

Private swimming pools shall be a permitted accessory use to any residential use in accordance with the following provisions:

- A. The swimming pool shall be primarily used for the enjoyment of the residential occupants of the principle use of the property on which it is located.
- B. All swimming pools shall be setback in accordance with those provisions established for the principle use.
- C. A swimming pool constructed in the ground with its topmost rim less than thirty-six (36) inches above finished grade shall be surrounded by a wall or fence not less than four (4) feet in height (measured from the finished grade) and shall have a self-latching gate. Said fence or wall and gate shall be maintained in good condition and all times. Fences shall not have openings greater than two (2) inches. Metal or wire fences shall not be less than number eight (8) gauge materials.
- D. All swimming pools with electric pumps and/or filtration systems shall require a building permit and inspections in accordance with the PA Uniform Construction Code.

### ***Section 703.38: Zoos and the Housing of Exotic, Wild or Dangerous Animals***

Zoos and the Housing of Exotic, Wild or Dangerous Animals whether public or private are conditional uses in the RA Zoning District upon authorization of the South Buffalo Township Board of Supervisors, as a result of a Conditional Use Hearing, duly advertised as provided by law, and further subject to all state and federal rules and regulations that apply to such operations, and additional safeguards to the public, health, safety, and general welfare deemed necessary by the Board of Supervisors. Such conditions placed upon the applicant may include but may not be limited to setbacks from adjacent residential uses, screening/landscaping, noise limitations involving hours of operation, lighting, provisions for dust control,



building/structure height restrictions, municipal road bonds, and ingress and egress restrictions in addition to the following provisions:

- A. No person shall keep an exotic, wild or dangerous animal in any place other than a zoological park, veterinary hospital or clinic, humane society, circus, or facility used for educational or scientific purposes (see Note following); which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise. Note: Educational purposes include displays by or for public or private schools, sportsmen's organizations, youth organizations, civic associations, conservation camps and schools or any other similar organization.
- B. Animals not specifically defined in this Ordinance as exotic, wild or dangerous animals shall be permitted to be kept, subject to any applicable sections of this Ordinance and any applicable federal or state regulations and the following specific provisions if the animal:
  - 1. Is of the species *Felis Catus*; of the species *Canis Familiaris*; a fish kept in a tank; a nonpoisonous reptile; a gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk, ferret, or similar rodent-like creature kept in a cage; an amphibian less than one foot in length such as a frog, toad, salamander, or chameleon; livestock; or bees kept in a collection of hives or colonies;
  - 2. Does not pose any threat to the local ecosystem;
  - 3. Does not pose a threat to human health and safety;
  - 4. Demands care that is no more demanding than care for common domestic animals;
  - 5. Being held in captivity will not have a significant adverse effect on the animal's natural population. All state and federal species that are endangered, threatened, or species of special concern are categorically non-exempt, meaning they shall not be added to the license exemption list.
- C. No person shall sell, offer for sale, adopt, exchange or transfer, with or without enumeration, any exotic, wild or dangerous animal in South Buffalo Township without first registering said animal with the Township Board of Supervisors.
- D. Any person owning or possessing an exotic, wild or dangerous animal at the time of enactment of this Ordinance shall have forty five (45) days to register the animal with the Township Board of Supervisors.
  - 1. The applicant/owner must provide satisfactory assurances that said animal(s) is not capable of being returned to its natural environment and will be provided with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment, and that the animal(s) will not be cruelly ill treated, tormented, overloaded, overworked or otherwise abused and that adequate protective devices are provided to prevent it from escaping or injuring the public.
  - 2. The applicant/owner must provide proof of a permit for the housing and keeping of an exotic, wild or dangerous animal pursuant to 34 PA. CONS. STAT. ANN. §2961 and §2963.
- E. Violations and Penalties: Any person who violates any provision of this Section shall be subject to the following penalties: (each violation constitutes a separate offense)
  - 1. First Violation - a fine of \$50.00 or thirty days imprisonment, or both;

2. Second Violation - A fine of \$100.00, or sixty days imprisonment, or both;
3. Third Violation - A fine of \$250.00, or ninety days imprisonment, or both;
4. Fourth and Each Subsequent Violation - A fine of \$500, or ninety days imprisonment, or both.

## **Article VIII**

### **NONCONFORMING USES, LOTS, AND STRUCTURES**

#### ***Section 801: Intent and Purpose***

- A. Within the Districts established by this Ordinance, there may exist uses of land, lots and structures which were lawful prior to this Ordinance, but which would be prohibited under the terms of this Ordinance. Such uses of land, lots and structures are declared by this Article to be incompatible with permitted uses in the Districts involved.
- B. It is the intent of this Article to permit these non-conformities to continue until such time as they are discontinued or removed.
- C. Non-conformities may be enlarged or expanded only through a variance approval process of the Zoning Hearing Board.
  - 1. 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 the addition of other uses, if such additions are of a nature which would be prohibited in the District.
- D. Nothing in this Article shall be deemed to require a change in plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance. (Actual construction is defined as 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 diligently carried on until the completion of the building/structure involved.

#### ***Section 802: Non-conformity Distinguished***

- A. Any use approved as a permitted or conditional use, or by a variance as of the effective date or thereafter of this Ordinance shall not be deemed a nonconforming use.
- B. The provisions of this Article shall not apply to any building or structure which is designated by the Planning Commission and the Board of Supervisors to be an historical landmark.

#### ***Section 803: Status of a Conforming Use which was Previously Non-conforming***

If a non-conforming use becomes a conforming use, such use shall not thereafter revert back to a non-conforming use.

#### ***Section 804: Non-conforming Uses of Land***

Where a lawful use of a lot exists at the effective date of this Ordinance that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged, increased, expanded or extended to occupy a greater area of land than was occupied at the effective date of this ordinance, unless the Zoning Hearing Board should determine that the enlargement or expansion is necessary by the natural expansion and growth of trade of the non-conforming use.
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot not occupied by such use at the effective date of this Ordinance.
- C. If such nonconforming use of a lot ceases or is discontinued for any reason for a period of more than twelve (12) months, it shall be presumed that the non-conforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.
- D. Whenever a non-conforming use of a lot has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

### ***Section 805: Non-conforming Lots of Record***

- A. Any existing lot of record within a subdivision or otherwise which was created prior to the enactment of this Ordinance and which is located in any district in which single family dwellings are permitted may be used for the erection of a single family dwelling and for customary accessory buildings/structures to a single family dwelling, even though the lot's area is less than the requirements established in this Ordinance; provided, that yard setback and other regulations are in compliance with this Ordinance.

### ***Section 806: Non-conforming Structures***

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

- A. No such building or structure may be enlarged or have any structural alterations made in a way which increases its non-conformity, unless the Zoning Hearing Board after finding that an undue hardship exists, authorizes a reasonable modification and all applicable area, setback, parking and loading regulations according to this Ordinance are in compliance.
- B. Should such building or structure be destroyed by any means, it may be repaired or reconstructed; provided that such restoration is commenced within twelve (12) months after the date of damage, the previous foundation is to be used for restoration, and the use and intensity of use is no more objectionable or no greater than existed prior to destruction. Provided work to restore the damaged structure is not commenced within twelve (12) months after the date of damage, such building or structure shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located.
- D. No expansion or enlargement of any building or structure shall be allowed within any identified flood plain.

## ***Section 807: Non-conforming Uses of Structures***

Where a lawful use of a building or structure or of a building/structure and a lot in combination exists at the effective date of this Ordinance that would not be permitted under the requirements of this Ordinance in the zoning district, the lawful use may be continued, subject to the following provisions:

- A. No existing building or structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning districts, unless the Zoning Hearing Board shall determine that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use and grant a variance allowing the same, subject to such reasonable conditions as the Board may attach.
- B. The non-conforming use maybe extended throughout any part of the building or structure that was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy and lot or portion of a lot outside such building or structure and all area, yard and parking requirement for the district in which the building or structure is located shall be in compliance with the provisions of this Ordinance.
- C. A non-conforming use of a building or structure may be changed to another non-conforming use of the same or of a more restrictive nature so long as no structural alterations are made other than those directed by the Zoning Officer or Building Code Official in writing to assure the safety of the building or structure; provided that such change shall:
  1. Be registered by the Zoning Officer
  2. Constitute an abandonment of the former non-conforming use
  3. Prohibit any future change to a less restricted use
- D. Any building or structure and lot in combination in or on which a non-conforming use is superseded by an authorized use shall thereafter conform, to the regulations for the zoning district in which such building or structure is located, and the nonconforming use may not thereafter be resumed.
- E. Provided such non-conforming use of a building or structure, or of a building or structure and lot in combination ceases or is discontinued for any reason for a period more than twelve (12) months, it shall be presumed that the non-conforming use has been abandoned, and any subsequent use of such building and structure and lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.
- F. Where non-conforming status applies to both, the use and the building or structure, removal or destruction of the non-conforming building or structure shall eliminate the non-conforming use on the lot.

## ***Section 808: Side and Rear Yard Regulations for Accessory Buildings on lots Containing a Non-conforming Use***

The side and rear yard regulations are as required in the zoning district in which the non-conforming use is located.

### ***Section 809: Non-conforming Lots in Area***

Lots which are non-conforming because of existing lot area (at the time of passage of this Ordinance) may be used for any use permitted in the applicable zoning district.

### ***Section 810: District Changes***

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses or structures existing therein or created thereby.

### ***Section 811: Administration***

- A. As of the effective date of this Ordinance, the Zoning Officer will register non-conforming lots, buildings/structures and uses of lots within six (6) months of the date of enactment of this Ordinance.
- B. A copy of the updated and current list of non-conforming lots, buildings/structures and uses shall be kept in the Municipal Office for public review and inspection.

## **Article IX**

### **CONDITIONAL USES**

#### ***Section 901: Conditional Uses Generally***

- A. The Board of Supervisors shall grant or deny conditional use requests pursuant to the standards and provisions established by the Pennsylvania Municipalities Planning Code and the provisions contained in this Ordinance.
- B. Conditional uses shall be reviewed by the Township Planning Commission and a recommendation in writing shall be prepared for the Township Board of Supervisors. The Township Board of Supervisors shall upon receipt of recommendations of the Planning Commission, conduct a Public Hearing in accordance with the provisions of Act 247 – the PA Municipalities Planning Code.
- C. Conditional uses shall be found to comply with the following requirements and other applicable requirements as set forth in this Ordinance:
  - 1. That the use is a permitted conditional use as set forth in this Ordinance.
  - 2. That the use is in accordance with the Comprehensive Plan.
  - 3. That the use is so designed, located, and proposed to be operated so the public health, safety, and welfare will be protected.
  - 4. That the use will not cause substantial loss to the value of adjacent and neighboring properties.
  - 5. That the use shall be compatible with adjoining development and the proposed character of the zoning district.
  - 6. That adequate landscaping and screening is provided as required by this Ordinance or as part of the conditions for approval.
  - 7. That adequate off-street parking and loading is provided as required by this Ordinance or as part of the conditions for approval.
  - 8. That the use is suitable in terms of effects on highway traffic and safety with adequate ingress and egress designed to protect streets from undue congestion and hazards.
  - 9. That lighting, odors, and/or noise pollution originating from the site shall be kept at a minimum and as part of the conditions for approval so as to protect the public health, safety, and welfare and to eliminate loss in property values of adjacent and neighboring properties.
  - 10. That signs and other displays shall meet the provisions established by this Ordinance or as part of the conditions for approval.
  - 11. That the use conforms to all applicable regulations governing the zoning district where it is located.
- D. The Board of Supervisors shall render its decision in accordance with the requirements as set forth by the Pennsylvania Municipalities Planning Code.



- E. All applicable requirements regarding conditional uses established in this Ordinance or the Pennsylvania Municipalities Planning Code shall be adhered to.
- F. All provisions of the Armstrong County Subdivision and Land Development Ordinance shall apply to any conditional use involving subdivision and or land development.
- G. The approval of a conditional use does not relieve the Applicant from submitting the required site plans, subdivision plans and/or land development plans.
- H. The approval of a conditional use does not relieve the Applicant from obtaining the necessary permits and approvals as required by this Ordinance or other applicable ordinances enacted by the South Buffalo Township Board of Supervisors.
- I. Applications for zoning approval shall be submitted to the Zoning Officer. The Zoning Officer shall determine if the proposed use is a conditional use.

### ***Section 902: Application for Conditional Use Approval***

- A. Provided a zoning application is deemed by the Zoning Officer to require conditional use approval, the application for conditional use shall include:
  - 1. One original conditional use application form. Provided the developer is other than the landowner, the land owner's authorization is required.
  - 2. Provided the developer is other than the landowner, a statement of the developer's interest in the site shall accompany the application.
  - 3. Two (2) copies of the conditional use site plan for review by the South Buffalo Township Planning Commission and the South Buffalo Township Board of Supervisors. Provided the application involves subdivision or land development, additional site plan submission and requirements shall be met as set forth in the Armstrong County Subdivision and Land Development Ordinance.
  - 4. Two (2) copies of the landscape Plan.
  - 5. A written description of the architectural features of all existing and proposed buildings and building additions. If so determined by the South Buffalo Township Planning Commission, the applicant may be required to submit an architectural rendering of all existing and proposed buildings and building additions for review by the South Buffalo Township Board of Supervisors.
  - 6. All applicable fees as established by Ordinance or Resolution of the South Buffalo Township Board of Supervisors.
- B. Any requests for modifications or waivers shall be in writing and shall accompany the conditional use application. The request(s) shall state the grounds of hardship, the provisions of this Ordinance affected, and the minimum modification necessary.
- C. Additional supplemental information for submission with a conditional use application may be required by the Township Board of Supervisors. Where applicable, a checklist of supplemental information shall be given to the Applicant by the Zoning Officer.

### ***Section 903: Conditional Use Approval Process***

- A. Conditional use applications must be submitted to the Township Secretary for Planning Commission review no less than twenty (20) days prior to the regularly scheduled Planning Commission meeting.
  - 1. The Planning Commission shall review the Conditional Use Application submission at their next regularly scheduled meeting following submission of an administratively complete application within the time frame established in this Ordinance.
  - 2. The Planning Commission shall review the Conditional Use Application and shall make written recommendation to the Township Board of Supervisors within seven (7) days following the Planning Commission meeting.
- B. The South Buffalo Township Board of Supervisors shall hold a public hearing, in accordance with the Pennsylvania Municipalities Planning Code and public notice shall be given as to the date, time, location, and purpose for the public hearing.
- C. The public hearing shall be commenced by the Township Board of Supervisors within sixty (60) days from the date of the application certified as administratively complete.
- D. The Township Board of Supervisors may prescribe reasonable conditions and safeguards, in addition to the provisions of this Ordinance, as deemed necessary to implement the purposes of the PA Municipalities Planning Code, the South Buffalo Township Comprehensive Plan, and this Ordinance.
- E. The Township Board of Supervisors shall render a written decision within 45 days; or, when no decision is called for; make written findings on the Conditional Use application in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- F. The Zoning Officer, when directed by the Board of Supervisors, shall issue a zoning approval for such conditional use.

### ***Section 904: Conditional Use Approval Time Limitations***

- A. A Conditional Use approval shall expire automatically within twelve (12) months without written notice to the applicant if no application has been made for any of the following:
  - 1. Subdivision or Land Development
  - 2. Zoning approval for structural alteration(s) or erection of structures
  - 3. Zoning approval for occupancy and use
  - 4. Application for grading
  - 5. Application for a building permit
- B. The Township Board of Supervisors, in their sole discretion, may extend the Conditional Use approval upon written request from the applicant prior to expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- C. Conditional Use approvals granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant within twelve (12) months from the effective date of this Ordinance, provided no application has been made for any of the following:
  - 1. Subdivision or Land Development

2. Zoning approval for structural alteration(s) or erection of structures
  3. Zoning approval for occupancy and use
  4. Application for grading
  5. Application for a building permit
- D. The Township Board of Supervisors, in their sole discretion, may extend the Conditional Use approvals granted prior to the effective date of this Ordinance, upon written request from the applicant prior to one (1) year after the effective date of this Ordinance. The maximum extension period shall be one (1) twelve (12) month extension.

## ***Section 905: Special Exceptions***

Where the governing body, in this Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S., §10101 et seq. A special exception shall not be granted by the Zoning Hearing Board unless and until:

- A. A written application for a special exception is submitted demonstrating that the development
  1. Will not endanger the public health or safety if located where proposed and that the use will not generate nuisance conditions such as traffic congestion, noise, dust, glare or vibrations;
  2. Will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
  3. Meets all requirements of this Ordinance in the Zoning District where the use is proposed;
  4. Is in general conformity with the Comprehensive Plan and in harmony with the area in which it is proposed.
- B. The applicant shall submit drawings to the Zoning Hearing Board indicating the boundaries of the property, location of adjacent streets, the location and height of proposed buildings on the property with dimensions from property lines, access to the property and the location and number of proposed parking spaces.
- C. The public hearing shall be held in accordance with the provisions of the PA Municipalities Planning Code.
- D. The Zoning Hearing Board, before it grants a special exception, shall make findings of fact and state its reasons for granting the special exception.
- E. The Zoning Hearing Board shall have the authority to require and approve specific plans, to increase the requirements set forth in this Ordinance, but in no case shall the Zoning Hearing Board have the authority to decrease the requirements of this Ordinance for any use in the district it proposed to locate. Any such decrease in the requirements of this Ordinance shall only be granted upon the issuance of a variance.
- F. All conditions required by the Zoning Hearing Board shall be entered in the minutes of the meeting at which the permit is granted and also on the Certificate of Special Exception.

## **Article X**

### **ADMINISTRATION**

#### ***Section 1001: Official Records***

- A. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a Zoning Map, and all other pertinent information.
- B. The records of the Zoning office shall be available for the use of the Township government and for inspection of any interested party during normal office hours.
- C. The Zoning Officer shall at least annually submit to the Board of Township Supervisors a written statement of all Zoning Permits and Certificates of Use and Occupancy issued, Violations, and Stop-Work Orders recommended or promulgated.

#### ***Section 1002: Compliance with Ordinance***

- A. The Zoning Permit shall be a license to proceed with the work after all building permits are acquired where necessary, and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance or any other ordinances or law.

#### ***Section 1003: Complaints Regarding Violations***

- A. The Zoning Officer shall investigate alleged violations of the Zoning Ordinance when in receipt of a signed written complaint stating fully the cause and basis thereof. If a signed written complaint is received, said investigation shall be completed within thirty (30) days of said complaint.
- B. A written report of all investigations of the Zoning Ordinance shall be prepared by the Zoning Officer and a copy shall be sent to the complainant and the Board of Township Supervisors and shall be made public upon request.

#### ***Section 1004: Zoning Officer***

- A. The provisions of the Zoning Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by, and be responsible to, the South Buffalo Township Board of Supervisors.
- B. The Zoning Officer may be provided with the assistance of such persons as the Board of Supervisors may direct.
- C. The compensation of all employees shall be determined by the Board of Township Supervisors.

## ***Section 1005: Duties and Responsibilities of Zoning Officer***

- A. The Zoning Officer shall have all the duties and powers conferred by this Ordinance and by all of the applicable laws of the Commonwealth of Pennsylvania.
- B. The Zoning Officer shall not issue a permit or certificate of use and occupancy in connection with any contemplated erection, construction, alteration, extension, replacement, demolition, relocation, conversion or use of any building, structure, sign or land unless it first conforms with the requirements of the Zoning Ordinance, all other ordinances of South Buffalo Township, the Pennsylvania Municipalities Planning Code and all other applicable laws of the Commonwealth of Pennsylvania.

## ***Section 1006: Form of Application***

- A. The application for a Zoning Permit shall be submitted in such form as the Board of Supervisors may prescribe and shall be accompanied by the required fee as prescribed.
- B. Applications for Zoning Permits shall be made by the landowner or developer.
- C. The full names, addresses and phone numbers of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
- D. The application shall contain a general description of proposed work and use and occupancy of all parts of the building, structure or sign and such additional information as may be required by the Zoning Officer.
- E. The application for the Zoning Permit shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, location of new and existing construction, and the distances of the same from the existing lot lines and street right-of-way lines.

## ***Section 1007: Permits***

- A. The Zoning Officer shall receive applications and issue Zoning Permits and/or Certificates of Use and Occupancy for the erection, construction, alteration, extension, replacement, demolition, relocation, conversion and/or use and occupancy of any building, structure, sign, or land in the Township provided all necessary plan reviews and permits have been issued by the Building Code Officer.
- B. It shall be unlawful to commence the excavation for or the erection, construction, alteration, extension, relocation, conversion or use and occupancy of any building, structure, sign, fence, wall, parking lot, driveway or land, including an accessory building or sign or to commence the moving, demolition or alteration of any building structure, sign, fence, wall, parking lot, driveway or land including an accessory building or sign, until the Zoning Officer and Building Code Officer has issued the necessary permits for such work.
- C. Any excavation for or construction or erection of any building structure, sign, fence, wall, parking lot, driveway or land including an accessory building or sign, or the commencement of any moving or alteration of any building structure, sign, fence, wall, parking lot, driveway or land

including any accessory building or sign shall comply with all other provisions of this Ordinance, and any other local, state or federal regulations, ordinances, and laws.

- D. No Permit shall be required for repairs to, and maintenance of, any building, structure, sign or land, provided that such repairs do not change the use, alter the exterior dimensions of the building/structure/sign, or otherwise violate the provisions of the Zoning Ordinance or other Ordinances of the Township.
- E. No Permit for the erection, construction, alteration, extension, relocation, conversion or use and any occupancy of any building, structure or land shall be issued until the developer or landowner has submitted a certification, executed by a professional licensed engineer, that all storm water management facilities and related improvements have been completed in accordance with Township specifications and in accordance with the plan or plans approved by the Board of Supervisors pursuant to the applicable ordinances of South Buffalo Township.
- F. No Permit shall be issued by the Township, in accordance with Act 90, for which there exists on the real property: a final and unappealable tax, water, sewer or refuse collection delinquency; or a serious violation of State law or municipal code and the owner has taken no substantial steps to correct the violation within six (6) months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were imposed by a Magisterial District Judge or Municipal Court, or a judgment at law or in equity was imposed by a Court of Common Pleas.
  - (i) Exceptions: No denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or superseded as by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or superseded as is lifted by the court of a higher court or the stay or superseded as expires as otherwise provided by law.
  - (ii) Where a stay or superseded as is in effect, the property owner shall so advise the municipality seeking to deny a municipal permit. The permit denial shall not apply to an applicant's action to correct a violation of an applicable State law or municipal code for which the building permit, zoning permit, zoning variance, municipal license, municipal permit or municipal approval for contemplated action requiring such approval is required.
  - (iii) A municipality or board shall not deny a municipal permit to an applicant of the municipal permit is necessary to correct a violation of state law or code.
  - (iv) The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.
  - (v) In issuing a denial of a permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of state law or a code on real property that the applicant owns in South Buffalo Township, the municipality or Board shall indicate the street address, municipal corporation and county in which the property is located and the Court and Docket Number for each parcel cited as a basis for the denial.
  - (vi) The denial shall also state that the applicant shall submit a letter of compliance from the appropriate state agency, municipality, or school district, in a form specified by the Township Board of Supervisors.
  - (vii) All permits, variances, approvals, or licenses denied in accordance with this subsection may be withheld until the applicant obtains a letter from the appropriate State agency, municipality, school district, or municipal entity that indicates the following:

1. The property in question is not presently tax delinquent, has no final and unappealable tax, water, sewer or refuse delinquencies;
  2. The property in question is now in State Law and Code compliance;
  3. The owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or municipal code;
  4. The acceptance of the plan may be contingent on beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner if mutually agreeable to both the property owner/applicant and the municipality and completing the remediation plan within no fewer than 90 days following commencement of the plan or soon if mutually agreeable to both the property owner and the municipality.
  5. In the event that the appropriate state agency, municipality, municipal entity or school district fails to issue a letter indicating either tax, water, sewer, refuse, state law or code compliance or noncompliance, as the case may be within 45 days of the request, the property/applicant in question shall be deemed to be in compliance for the purpose of this section.
- (viii) The appropriate municipal Board shall specify the form in which the request for a compliance letter shall be made and the appropriate municipal official shall verify the compliance letters prior to issuing permits, variances, approvals, or licenses.
- (ix) All permits, variances, approvals, or licenses denied in accordance with this subsection may be withheld until the applicant obtains a letter from the appropriate State agency, municipality, school district, or municipal entity that indicates that the property in question is in compliance. The compliance letter must reference the property owners name, current address, address of the property in question, and the tax map and parcel number for the property in question.

### ***Section 1008: Action upon Application***

- A. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application in writing, stating the reasons therefore.
- B. The Zoning Officer shall inform the applicant of the right of appeal to the Zoning Hearing Board in the event an application is rejected.
- C. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other pertinent laws and ordinances and that the Certificate of Use and Occupancy as required herein has been properly applied for, the Zoning Officer shall issue a Zoning Permit therefore generally within thirty (30) days but in any case within ninety (90) days.

### ***Section 1009: Time Limitations of Permits***

The Zoning Permit shall expire one year from the date of issuance; provided, that the Zoning Permit may be extended by the Zoning Officer upon reasonable cause shown and at his discretion for one or two six (6) month periods not to exceed an additional one (1) year.



1. Construction Period

- a. The applicant or appellant shall complete the building, alteration, or use within two (2) years after a Zoning Permit has been issued.
- b. The Zoning Hearing Board may grant an extension of the two (2) year construction period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.
- c. Should the applicant or appellant fail to complete such construction, alteration, or use within the time limitations of this Section, the Zoning Hearing Board may rescind or revoke the granted variance or zoning permit.
- d. Zoning Officer shall provide the applicant or appellant with a written notice at least thirty (30) days prior to such decision of the Zoning Hearing Board. The decision to rescind or revoke such approvals shall be based on one or more of the following findings of the Zoning Hearing Board:
  - i. That there is no good cause for the failure to complete such construction, alteration, or use within the required time.
  - ii. That conditions have so changed since the approval of the Zoning Permit that revocation of the action is justified.

***Section 1010: Posting of Permit***

A true copy of the Zoning Permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of performance of the work and until the completion of same as defined in the application.

***Section 1011: Conditions of Permit***

No Zoning Permit shall be issued until the fees prescribed by the Board of Township 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 Zoning Permit from payment of other fees that may be required by this Ordinance or by any other Ordinances or law.

***Section 1012: Revocation of Permit***

The Zoning Officer may revoke a Zoning Permit or approval issued under the provisions of this Ordinance in the case of false statements or misrepresentation of facts in the application or on the plans on which the Zoning Permit or approval was based, or for any other case set forth in the Zoning Ordinance.

***Section 1013: Inspections***

- A. Before the issuance of any permit by the Zoning Officer all buildings, structures, signs or land and portions thereof for which an application has been filed for the erection, construction, alteration, extension, replacement, demolition, relocation, conversion and/or use may be examined or caused to be examined.

- B. Thereafter, such inspections as are required by the Township during the construction of the work for which a Permit has been issued may be made by the Township or its agent.
- C. The Zoning Officer may make a discretionary inspection of any structure, building or sign within seven (7) days after notification that the proposed work that was listed under the Zoning Permit has been completed.
- D. Upon completion of such work, and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of approved plans or Zoning Permit shall be noted.
- E. The holder of the Permit shall be notified of the discrepancies, which violations or discrepancies shall be rectified before a Use and Occupancy Certificate shall be issued.

### ***Section 1014: Compliance with Permit and Plot Plan***

All work or use shall conform to the approved application and plans for which the Zoning Permit has been issued as well as the approved plot plan and provisions of the Pennsylvania Uniform Construction Code where applicable.

### ***Section 1015: Certificate of Use and Occupancy***

- A. When required, it shall be unlawful to use or occupy any structure, building, permanent sign or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Zoning Officer in accordance with the Pennsylvania Uniform Construction Code.
- B. Such certificate shall be required whenever a Zoning Permit is required, as well as when there is a change in the use of any existing land, structure, or building.
- C. A Certificate of Use and Occupancy shall also be obtained before using or occupying any land, structure, or building or a portion thereof, after approval by the Zoning Hearing Board for a special exception or a variance, or the grant of a conditional use.
- D. Prior to issuing such Certificate, the Zoning Officer shall be satisfied that all provisions of the Zoning Ordinance and all conditions of the Zoning Hearing Board's approval, as well as the requirements of other Township Ordinances have been satisfied.

### ***Section 1016: Availability of Certificate***

The Certificate of Use and Occupancy for nonconforming uses, or a true copy thereof, shall be kept available for inspection by the Zoning Officer at all times.

### ***Section 1017: Temporary Certificate of Use and Occupancy***

- A. Upon request of the holder of a Zoning Permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a structure, building, or land or portion thereof before the entire work covered by the Zoning Permit shall have been completed; provided that such portion

or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare.

- B. The Zoning Officer may also issue a temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, use of land for religious or other public or semi-public purposes and similar temporary use or occupancy.
- C. Such temporary Certificates shall be for a period of time to be determined by the Zoning Officer; however, in no case for a period exceeding six (6) months. The Zoning Officer may renew such temporary Certificates for additional periods of time which shall not exceed six (6) months each.

### ***Section 1018: Enforcement, Violation, Causes of Action, Enforcement Remedies***

#### **A. Enforcement**

1. It shall be the duty of the Zoning Officer to enforce the Zoning Ordinance.
2. Provided it appears to the municipality that a violation of this ordinance has occurred or is occurring, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
3. 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 that parcel, to any other person requested in writing by the owner of record, and to any other person against whom the municipality intends to take action.
4. The enforcement notice shall be sent by first class mail and certified mail/return receipt requested. Return of signed return receipt card, or an unclaimed certified mailing combined with non-return of the enforcement sent first class mail, shall constitute a conclusive presumption that the enforcement notice recipient has been lawfully served.
5. An enforcement notice shall state at least the following:
  - a. The name of the owner of record and any other person against whom the municipality intends to take action.
  - b. The location of the property in violation.
  - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the notice in accordance with procedures set forth in this Ordinance.
  - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

#### **B. Violations**

The erection, construction, alteration, repair, demolition, extension, replacement, relocation, conversion, and/or use and/or occupancy of any building, structure, sign, fence, wall, parking lot, driveway, or land, or

the change of use, area of use, percentage of use or displacement of the use of any building, structure, sign, fence, wall, parking lot, driveway or land without first obtaining a Zoning Permit, when such permit is required by this Ordinance, or the use of any building, structure, sign, fence, wall, parking lot, driveway or land without receipt of a Certificate of Use and Occupancy, or the failure to comply with any other provisions of this Ordinance or any terms and conditions of any decisions by the Zoning Hearing Board, are hereby declared to be violations of the Zoning Ordinance of the Township.

#### C. Causes of Action

In case any building, structure, sign, fence, wall, parking lot, driveway, landscaping or land is, or is proposed to be, erected, constructed, altered, converted, maintained or used in violation of this Ordinance, the Township or, with the approval of the Township, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

#### D. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated, is violating, or has permitted the violation of the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
2. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
3. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
4. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.
5. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
6. The imposition of penalties shall not preclude the Township from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, fence, parking lot, driveway, land or premises or to stop an illegal act, conduct business, use or occupancy of a structure, building, sign or land in and about any premises.

***Section 1019: Appeals to the Decision of the Zoning Officer***

All appeals to the decision of the Zoning Officer as submitted to the Zoning Hearing Board shall be set forth in accordance with the Pennsylvania Municipalities Planning Code, Article IX, Section 909.1-910.

## **Article XI**

### **BOARDS AND AGENCIES**

#### ***Section 1101: Township Supervisors***

- A. The Board of Township Supervisors shall have the following duties and responsibilities with regard to Zoning:
1. Shall be responsible for the adoption and amendment of the Zoning Ordinance and Official Map after a public hearing.
  2. Shall be responsible for enforcement of the Zoning Ordinance.
  3. Shall appoint a Zoning Officer, members to the Planning Commission and members to the Zoning Hearing Board.
  4. Shall consider the recommendations of both the Township and County Planning Commission prior to adopting the Ordinance or any amendment thereto.
  5. Shall establish a schedule of fees for the issuing of building permits, occupancy permits, sign permits, zoning use permits, conditional use applications, applications for appeals to the decisions of the Zoning Officer and/or variance applications, and initiation of action for amendments to the Zoning Ordinance or Official Map.
  6. Shall approve, approve with conditions, or reject conditional use applications after receiving recommendations from the Planning Commission.
  7. Shall prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing.
  8. Shall appoint a Zoning Hearing Board Solicitor separate from the Township Solicitor.

#### ***Section 1102: Zoning Hearing Board***

- A. Membership and Appointment of the Zoning Hearing Board:
1. The Zoning Hearing Board shall be appointed by the Township Board of Supervisors and shall consist of three (3) members who are residents of South Buffalo Township.
  2. Terms of Office shall be staggered and so fixed so that not more than one (1) member's term of office shall expire in any given year.
  3. Any reappointment or new appointment by the Township Board of Supervisors shall be made at the expiration of a term of office of a member of the Zoning Hearing Board and shall be for a term of three (3) years.
  4. Members of the Zoning Hearing Board shall hold no other elected or appointed office in South Buffalo Township nor shall any member be an employee of South Buffalo Township.

5. Any appointment to the Zoning Hearing Board to fill a vacancy (prior to the end of a member's term) as a result of health, resignation or otherwise, shall be for the unexpired portion of the term.
6. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board.
7. The terms of office of an alternate member shall be three (3) years.
8. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate an alternate member of the Board to sit on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
9. When all three (3) appointed members are present, any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated.
10. Alternates shall hold no other office in the Township, including membership on the planning commission and shall not be an appointed Zoning Officer.
11. Any Zoning Hearing Board member may be removed by the Township Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code for malfeasance, misfeasance or nonfeasance in office or other just cause by a majority vote of the Board of Supervisors.
12. The removal of a Zoning Hearing Board member during his/her term of office, by the Board of Supervisors may be taken fifteen (15) days after the member has received notice of intent to take such action. A public hearing shall be held by the Board of Supervisors in connection with the vote if the member shall request it in writing.

B. Organization of the Zoning Hearing Board

1. The Zoning Hearing Board shall elected officers among its membership, to include a Chairman, Vice-Chairman, and Secretary.
2. The Zoning Hearing Board shall hold meetings as necessary in order to conduct business.
3. The Zoning Hearing Board shall reorganize at its first meeting in each calendar year. Board members may succeed themselves in their positions.
4. The Chairman shall call and chair all meetings.
5. The Vice-Chairman shall act in the absence of the Chairman and shall assist the Secretary.
6. The Secretary shall keep the minutes of the proceedings, recording the vote of each member; shall transcribe and distribute testimony given at hearings, shall draw-up the agenda for each meeting, shall be responsible for placing of notices for public hearings; and shall handle all correspondence.

C. Duties and responsibilities of the Zoning Hearing Board

1. Shall conduct hearings and conduct business in accordance with the requirements of the Pennsylvania Municipalities Planning Code.



2. Shall hear appeals in which it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
3. Shall hear appeals from the determination of the Zoning Officer, 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.
4. Shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the Applicant.
5. Shall hear substantive challenges to the validity of the Zoning Ordinance, official map or amendments thereto, deciding contested questions and making findings on all relevant issues of fact. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Zoning Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the applicant and shall also consider:
  - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Zoning Ordinance or map;
  - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;
  - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
  - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
6. Shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Board fails to act on the applicant's request within this time limit, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
7. Shall commence its hearings within sixty (60) days after the request is filed unless the applicant requests or consents to an extension of time.
8. Shall provide Public Notice of the Zoning Hearing in accordance with the Pennsylvania Municipalities Planning Code.
9. Shall submit a report of its activities on all meeting to the Township Board of Supervisors.

D. Conduct of Hearings and Responsibilities

1. All Zoning Hearing Board Hearings shall follow the requirements for Zoning Hearings as established by the Pennsylvania Municipalities Planning Code.
2. Hearings of the Zoning Hearing Board shall be held at the call of the Chairman of the Zoning Hearing Board; or in his/her absence, the acting Chairman. The Chairman or the person appointed by the Chairman may administer oaths and compel the attendance of witness.
3. All Zoning Hearings shall be open to the public.
4. The Zoning Hearing Board shall keep stenographic record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examination and other official actions.
5. All actions of the Zoning Hearing Board shall immediately be filed in the office of the Board of Supervisors and shall be public record.
6. A quorum for the conduct of any hearing or the taking of any action shall be no less than two (2) members. Provided, two (2) members are disqualified to act on a particular matter, the remaining member may act for the Board.
7. The Zoning Hearing Board may make, alter, or rescind rules, regulations, and forms for its procedures consistent with this and other South Buffalo Township Ordinances and the laws of the Commonwealth of Pennsylvania.
8. The Zoning Hearing Board shall keep full public records of its business and shall submit an annual report of its activities to the Township Board of Supervisors not later than sixty (60) days after the start of the subsequent year.

E. Responsibilities of the Zoning Hearing Board specific to Variance Applications

The Zoning Hearing Board, upon appeal, shall hear requests for variances and shall have the power to authorize variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant and where provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topography or other physical conditions peculiar to the particular property, and that the unnecessary hardship is used to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

6. That the variance, if authorized, will not conflict with the purposes and intent of this Ordinance and the Township's Comprehensive Plan.
7. In granting any variance, the Zoning Hearing Board may attach reasonable conditions and safeguards as deemed necessary to implement the purposes of the Zoning Ordinance.
8. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the provisions of this Ordinance in a Zoning District where a variance request may be sought.
9. No variance shall be granted for any construction, development, use or activity within any floodway area as identified in the Floodplain Overlay Zone.

F. Responsibilities of the Zoning Hearing Board specific to Special Exceptions

The Zoning Hearing Board shall hear request for special exceptions as per the provisions of this Ordinance and shall have the power to authorize special exceptions with conditions.

1. The applicant shall file a request for the granting of s Special Exception along with all maps, plans and narratives which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance.
2. Said request shall be accompanied by a fee as set forth from time to time by the Township Board of Supervisors.
3. The Zoning Officer shall package all background information submitted for transmittal to the Zoning Hearing Board.
4. The Zoning Hearing Board shall schedule a Public Hearing pursuant to Public Notice per the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
5. The Zoning Hearing Board shall render a decision and inform the applicant of said decision per the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
6. The Zoning Hearing Board shall be held to act within the provisions of Act 90 as referenced in Section 1007 F of this Ordinance.

G. Effect of Zoning Hearing Board Decisions

The following time requirements and conditions shall apply to approvals granted by the Zoning Hearing Board:

1. Permits
  - a. The applicant or appellant shall secure all necessary Zoning and Building Permits within twelve (12) months after the approval date of the variance, or other action of approval by the Zoning Hearing Board.
  - b. The Zoning Hearing Board may grant an extension of the twelve (12) month permit period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.
  - c. Should the applicant or appellant fail to obtain all necessary Zoning Permits within the time limitations of this Section, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the appeal or application, and all

provisions, variances, special exceptions and Zoning Permits granted shall be deemed automatically rescinded by the Zoning Hearing Board.

## 2. Appeals

- a. All appeals to the decision of the Zoning Hearing Board shall be set forth in accordance with the Pennsylvania Municipalities Planning Code, Article X-A Appeals to Court.

## H. Stay of Proceedings

Upon the filing of any proceeding referred to in this Article and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Hearing Board determines there are facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed, otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

## ***Section 1103: Planning Commission***

Through the powers granted to municipalities in accordance with the Pennsylvania Municipalities Planning Code, the South Buffalo Township Planning Commission as established by the South Buffalo Township Board of Supervisors shall:

1. function as an advisory body to the South Buffalo Township Board of Supervisors.
2. perform such advisory functions as shall be requested from time to time by the Board of Supervisors and in the performance of such advisory functions as so requested, shall have such powers and duties as are granted and established by the Pennsylvania Municipalities Planning Code.
3. conduct business in accordance with the provisions established in the Pennsylvania Municipalities Planning Code.

### A. Membership and Appointment of the Planning Commission

1. The Planning Commission shall consist of not more than seven (7) members to be appointed by the Township Board of Supervisors.
2. The term of each of the members of the Planning Commission shall be for four (4) years, or until his successor is appointed and qualified, except that the terms of the members first appointed shall be so fixed that no more than three (3) members shall be reappointed or replaced during and future calendar year.

### B. Organization of the Planning Commission

1. The Planning Commission shall elect its own Chairman, Vice Chairman and Secretary, and shall create and fill other such offices as it may determine necessary.
2. Officers shall serve annual terms and may succeed themselves.

3. The Planning Commission may make and alter by-laws and rules and regulations to govern its procedures consistent with this Ordinance and the Pennsylvania Municipalities Planning Code.
4. The Planning Commission shall keep a full record of its business and shall annually make a written report by March 1<sup>st</sup> of each year of its activities to the Township Board of Supervisors. Interim reports may be made as often as necessary, or as requested by the Township Board of Supervisors.

C. Duties and responsibilities of the Planning Commission

1. The Planning Commission shall exercise those powers and duties conferred to it by Ordinance and by the Pennsylvania Municipalities Planning Code to include, but are not limited to:
  - a. Preparing and holding a public hearing upon, and recommend to the Board of Supervisors, the contents of the Zoning Ordinance.
  - b. Hold regularly scheduled, advertised meetings open to the public and shall maintain a file of records and minutes of its meetings.
  - c. Receive from the Zoning Officer, copies of all applications for amendments to this Ordinance and make findings and recommendations thereon, after which the Planning Commission shall forward such findings and recommendations, in writing, to the Board of Supervisors before the date of the public hearing on the proposed amendment.
  - d. Receive from the Zoning Officer, copies of all applications for development for review and recommendation to the Board of Supervisors.
  - e. Receive from the Zoning Officer, copies of all applications for conditional uses and shall make findings and recommendations and shall forward such to the Board of Supervisors in writing prior to the public hearing (conditional use hearing).
  - f. Receive from the Zoning Officer, copies of all applications and plans for subdivision and land development and provide findings in writing to the Board of Supervisors and the Armstrong County Planning Commission.
  - g. Receive from the Township Secretary, all copies of subdivision and land development plans as approved by the Armstrong County Planning Commission.
  - h. Initiate, direct and review, from time to time, the provisions of this Ordinance and make reports on its findings and recommendations to the Board of Supervisors in writing not less than annually.
  - i. Update provisions of the Township Comprehensive Plan no less frequently than every ten (10) years.
  - j. Promptly notify the Township Board of Supervisors concerning vacancies on the Planning Commission.

## **Article XII AMENDMENTS**

### ***Section 1201: Amendments***

- A. The South Buffalo Township Board of Supervisors may, from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance, in part or in whole, including the Zoning Map; in accordance with the spirit and intent of the formally adopted and applicable portions of the Comprehensive Plan.
- B. Any amendment, supplement, change or repeal may be initiated by the South Buffalo Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors and final action shall be taken by the Board of Supervisor on any amendments.
- C. Provided the amendment is proposed by the Board of Supervisors or by petition to the Board of Supervisors, such amendment, supplement, change or repeal shall be submitted to the South Buffalo Township Planning Commission for review and recommendations.

### ***Section 1202: Amendments Initiated by the Township Planning Commission***

- A. When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.

### ***Section 1203: Amendments Initiated by the Township Board of Supervisors***

- A. When an amendment, supplement, change or repeal is initiated by the South Buffalo Township Board of Supervisors, the Board of Supervisors shall submit the proposal to the South Buffalo Township Planning Commission for review and recommendations.

### ***Section 1204: Procedures for Petition***

- A. The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Township Zoning Officer, 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.
- B. In addition to the petition, the applicant shall concurrently submit a proposed amending ordinance that reflects the changes proposed by the petition.
- C. A fee, established by the 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.

### ***Section 1205: Referral to the Township Planning Commission***

- A. Except for those amendments initiated by the South Buffalo Township Planning Commission, after receipt of the proposed petition and amendment by the South Buffalo Township Board of Supervisors, said petition and amendment shall be presented to the Township Planning Commission for review and comment at least forty-five (45) days prior to the Board of Supervisor's public hearing.
- B. Provided the South Buffalo Township Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the South Buffalo Township Planning Commission has approved the proposed amendment, supplement, change or repeal.

### ***Section 1206: Public Hearing***

- A. Before taking any action on the adoption or rejection of a proposed amendment to this Zoning Ordinance, the South Buffalo Township Board of Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard.
- B. Notice of the time and place of such hearing shall be published in one (1) newspaper of general circulation in the Township once each week for two (2) successive weeks, not more than thirty (30) days and not less than fourteen (14) days prior to the date of said hearing.

### ***Section 1207: Action by the Board of Supervisors***

- A. At the time and place specified, the South Buffalo Township Board of Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map of the Township and shall thereafter within a period of thirty (30) days either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Supervisors may continue the said hearing at its discretion to a future identified time and place.

### ***Section 1208: Certification of the Official Zoning Map***

- A. Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the procedures as outlines in this Article, the change on the Official Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be filed as part of the permanent records of the Township.



## **APPENDICES**

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## APPENDIX A

### ZONING DISTRICT USE TABLES: R-1, R-2, R-3, RA

**Legend:**

P=Permitted by Right

CR=Permitted by Right with Conditions (requires PC Review and BOS Approval)

CU=Not permitted by Right. Proposed use must be reviewed by the Planning Commission and the Board of Supervisors shall hold a Public Hearing to determine denial or approval.

N=Not Permitted

Any Use not specifically listed is Not Permitted (N) in any R-1, R-2, R-3 and RA Zoning District. Any proposed use, subsequent to application, that is determined by the Zoning Officer to be unlike any Use that is specifically listed is Not Permitted (N) in any R-1, R-2, R-3 and RA Zoning District.

DESCRIPTION OF USE	ZONING DISTRICTS			
	R-1	R-2	R-3	RA
<b>Residential Type Uses</b>				
Single Family Dwelling	P	P	P	P
Two-family Attached Dwelling (2 single family dwelling units) ie. duplex	CU	P	P	CU
Multi-family Dwelling (more than 2 single family dwelling units) ie. Townhouse, Condominium, Apartment Building, High Rise, Dormitories	N	CU	P	N
Single Family Dwelling used as a Multi-family Dwelling (unrelated persons living as a family unit) ie. Group Home, Boarding Home, Half-way House	CU	CU	CU	CU
Multi-family Attached Dwellings for the elderly or special needs individuals Assisted Living Facility      Continuing Care Facility      Convalescent Facility Extended Care Facility      Independent Care Facility      Long-term Care Facility Personal Care Facility      Rest Home      Skilled Nursing Facility	N	CU	CR	CU
Planned Residential Development (includes mobile/modular home parks)	N	N	P	CU
Correction Facility with sleeping quarters	N	N	N	CU
<b>Agricultural Type Uses</b>				
Agricultural Activities/Operations	CU	CU	CU	P
Agricultural Buildings	CU	CU	CU	P
Auction House	N	N	N	CU
Breeding Farm	N	N	N	P
Composting Facility	N	N	N	CR
Equestrian Facility	N	N	N	CR
Fairground	N	N	N	P
Forestry Activities	CR	CR	CR	CR
Horse Farm	N	N	N	P
Horticultural Facilities	N	N	N	P
Horticultural Facilities with retail sales	CU	CU	CU	CR
Landscape Supply (Commercial/Retail Establishment)	CU	CU	CU	CR
Slaughter House	N	N	N	CU

DESCRIPTION OF USE	ZONING DISTRICTS			
	R-1	R-2	R-3	RA
<b>Non-residential Type Uses</b>				
Airport/Heliport	CU	CU	CU	CU
Animal Shelter	N	N	N	P
Art, Craft, Antique Shop	CU	CU	CU	CU
Automobile Service/Repair Station	CU	CU	CU	CU
Bed and Breakfast Inn/Country Inn	CU	CU	CU	CR
Billboard	N	N	N	CU
Campground	CU	CU	CU	CR
Car Wash	CR	CR	CR	CR
Cemetery/Mausoleum	P	P	P	P
Community Center/Cultural Facility	P	P	P	P
Construction and Heavy Equipment Sales and Service (includes Farm Equipment)	N	N	N	CU
Day Care Facility	CU	CU	CU	CU
Day Care Facility as a secondary use to a Primary residential use	CR	CR	CR	CR
Dry Cleaner	CU	CU	CU	CU
Dumps	N	N	N	N
Education Institutions	P	P	P	P
Farmer's Market/Fruit and Vegetable Stand	N	N	N	CR
Financial Institution	CR	CR	CR	CR
Fire Station	P	P	P	P
Funeral Home	P	P	P	P
Golf Course	CU	CU	CU	CU
Home Occupations	CR	CR	CR	CR
Hospital	CU	CU	CU	CU
Kennel/Groomer	N	N	N	P
Kennel/Groomer (as a home occupation)	CU	CU	CU	P
Laundromat	CU	CU	CU	CU
Library	P	P	P	P
Medical Center/Physician Offices	CU	CU	CU	CU
Methadone Treatment Facility	CR	CR	CR	CR
Mining (deep)	CR	CR	CR	CR
Municipal Building	P	P	P	P
Office, business ie. insurance, veterinarian	CU	CU	CU	CU
Office, Professional ie. medical and health care	CU	CU	CU	CU
Oil and Natural Gas Well Activities	CU	CU	CU	CU
Park and Ride	CR	CR	CR	CR
Personal Services Establishment ie. hair salon, barber, nail studio, pet groomer	CU	CU	CU	CU
Pharmacy	CU	CU	CU	CU
Places of Worship	CR	CR	CR	CR
Post Office	CR	CR	CR	CR
Printing and Publishing Shop	CU	CU	CU	CU
Recreation Areas (outdoor) ie. parks, playgrounds, picnic areas, swimming pool, soccer fields, baseball/softball fields, tennis courts, archery range, etc.	CU	CU	CU	CU
Recreation (indoor) Facilities ie. bowling alley, movie theater, family arcade, racquet ball, ice skating rink, health club, dance studio, etc	CU	CU	CU	CU
Restaurant	CU	CU	CU	CU
Retail Store - only "Mom and Pop" Neighborhood Convenience Store	CU	CU	CU	CU
Recycling Collection Facility	N	N	N	CU
Research and Development Facility	N	N	N	CU
Sanitary Landfill	N	N	N	CU
Self-Storage Units	CU	CU	CU	CR
Shopping Center/Mall	N	N	N	N
Solid Waste Disposal Area/Pumping Station	N	N	N	CU
Studio	CU	CU	CU	CU

DESCRIPTION OF USE	ZONING DISTRICTS			
	R-1	R-2	R-3	RA
Transfer Facility Station	N	N	N	CU
Truck Terminal	N	N	N	CU
Utility Substation (does not include wire communications, and oil and natural gas well activities)	CR	CR	CR	CR
Vehicle Auction Facility	N	N	N	CU
Vehicle Repair/Service Garage (light motor)	CU	CU	CU	CU
Veterinary Office	CU	CU	CU	CU
Water Tower/Water Tank	CR	CR	CR	CR
Wind Energy/Solar Energy Activities	CU	CU	CU	CR
Winery with Retail Sales	N	CU	CU	CR
Wireless Communications Facilities (to include, towers and antennas)	CU	CU	CU	CU
<b>Mixed Uses</b>				
Convenience Store with Gasoline Service Station	CU	CU	CU	CU
Planned Residential and Non-residential Mixed Developments (PRNRDs)	N	N	CR	CU
<b>Accessory Uses</b>				
Accessory Use to conforming principle use	P	P	P	P
Accessory Use to non-conforming use	CU	CU	CU	CU

## **APPENDIX B**

### **ZONING DISTRICT USE TABLES: C-1, I-1, I-2**

**Legend:**

P=Permitted by Right

CR=Permitted by Right with Conditions (requires PC Review and BOS Approval)

CU=Not permitted by Right. Proposed use must be reviewed by the Planning Commission and the Board of Supervisors shall hold a Public Hearing to determine denial or approval with conditions.

N=Not Permitted

Any Use not specifically listed is Not Permitted (N) in any C-1, I-1, I-2 and RA Zoning District. Any proposed use, subsequent to application, that is determined by the Zoning Officer to be unlike any Use that is specifically listed is Not Permitted (N) in any C-1, I-1, I-2 and RA Zoning District.

DESCRIPTION OF USE	ZONING DISTRICTS		
	C-1	I-1	I-2
<b>Residential Type Uses</b>			
Single Family Dwelling	CR	CR	CR
Two-family Attached Dwelling (2 single family dwelling units) ie. duplex	N	N	N
Multi-family Dwelling (more than 2 single family dwelling units) ie. Townhouse, Condominium, Apartment Building, High Rise, Dormitories	N	N	N
Single Family Dwelling used as a Multi-family Dwelling (unrelated persons living as a family unit) ie. Group Home, Boarding Home, Half-way House	N	N	N
Multi-family Attached Dwellings for the elderly or special needs individuals Assisted Living Facility      Continuing Care Facility      Convalescent Facility Extended Care Facility      Independent Care Facility      Long-term Care Facility Personal Care Facility      Rest Home      Skilled Nursing Facility	N	N	N
Planned Residential Development (PRD) (includes mobile/modular home parks)	CU	CU	N
<b>Agricultural Type Uses</b>			
Agricultural Activities/Operations	N	CU	CU
Agricultural Buildings	N	CU	CU
Auction House	N	CU	CU
Breeding Farm	N	CU	CU
Equestrian Facility	N	CU	CU
Fairground	N	CU	CU
Forestry Activities	CR	CR	CR
Horse Farm	N	CU	CU
Horticultural Facilities	N	CU	CU
Horticultural Facilities with retail sales	CU	CU	CU
Landscape Supply (Commercial/Retail Establishment)	CU	CU	CU
Slaughter House	N	N	CU
<b>Non-residential Type Uses</b>			
Adult Oriented Business	CU	CU	N
Airport/Heliport	N	CU	CU
Animal Shelter	N	CU	CU
Art, Craft, Antique Shop	CR	CU	CU

DESCRIPTION OF USE	ZONING DISTRICTS		
	C-1	I-1	I-2
Automobile Service/Repair Station/Sales	CR	CU	CU
Bakery/Bake Goods Store	CR	CU	CU
Bed and Breakfast Inn/Country Inn	N	CU	CU
Billboard	N	CU	CU
Building Materials Sales and Storage Yard	N	CU	CR
Bulk Fuel Storage	N	N	CR
Campground	CU	CU	CU
Car Wash	CR	CR	CR
Cemetery/Mausoleum	CU	N	N
Community Center/Cultural Facility	P	N	N
Composting Facility	N	N	CU
Concrete or Asphalt Batch Plant	N	CU	CR
Construction and Heavy Equipment Sales and Service	N	CU	CU
Construction Yard and Storage of Heavy Equipment	N	N	CR
Day Care Facility	CU	CU	N
Day Care Facility as a secondary use to a Primary residential use	CR	CR	CR
Distribution Warehouse	N	CU	CR
Dry Cleaner	P	CU	CU
Dump	N	N	CU
Education Institutions	CU	CU	CU
Farmer's Market/Fruit and Vegetable Stand	CU	N	N
Financial Institution	CR	CU	N
Fire Station	CR	CR	CR
Food Processing and Packing Plant	N	CU	CU
Fuel (gasoline) Processing Plant	N	CU	CU
Funeral Home	CR	N	N
Golf Course	N	CU	CU
Home Occupations	CR	CR	CR
Hotel	CU	CU	N
Hospital	CU	CU	N
Junkyard/Scrapyard	N	N	CR
Kennel/Groomer	P	N	N
Laundromat	CR	N	N
Library	CR	N	N
Manufactured Home Sales and Service	N	CU	CR
Manufacturing – heavy	N	CU	CR
Manufacturing – light	N	CR	CR
Medical Center/Physician Offices	CR	CU	N
Methadone Treatment Facility	CR	CR	CR
Mining (deep)	CR	CR	CR
Motel	CU	CU	N
Municipal Building	CR	CR	CR
Office, business ie. insurance	P	CR	CU
Office, profession ie. medical and healthcare	P	CR	CU
Oil and Natural Gas Well Activities	CR	CR	CR
Park and Ride	CR	CR	CR
Personal Services Establishment ie Hair Salon, Barber, Nail Studio	P	CU	N
Pharmacy	P	CU	N
Photography Studio	P	CU	N
Places of Worship	CU	CU	CU
Planned Business and Technology Park	CR	CR	CU
Planned Non-residential Development	CR	CR	CR
Post Office	CR	CR	CR
Printing and Publishing Shop	P	CU	N

DESCRIPTION OF USE	ZONING DISTRICTS		
	C-1	I-1	I-2
Recreation Areas (outdoor) ie. parks, playgrounds, picnic areas, swimming pool, soccer fields, baseball/softball fields, tennis courts, archery range, etc.	CU	CU	N
Recreation (indoor) Facilities ie. bowling alley, movie theater, family arcade, racquet ball, ice skating rink, health club, dance studio, etc	CU	CU	N
Restaurant	CR	CU	CU
Retail Store – Big Box	CR	CU	N
Retail Store – Neighborhood commercial	CR	CU	N
Recycling Collection Facility	N	N	CU
Research and Development Facility	CU	CR	CU
Sanitary Landfill	N	CU	CU
Self-Storage Units	N	CU	CU
Shopping Center/Mall	CR	CU	CU
Solid Waste Disposal Area/Pumping Station	N	CU	CU
Studio	P	CU	N
Transfer Facility Station	N	CU	CU
Truck Terminal	N	CR	CR
Utility Substation (does not include wire communications, and oil and natural gas well activities)	CU	CU	CU
Vehicle Auction Facility	N	N	CU
Vehicle Repair/Service Garage (light motor)	CU	CU	CU
Veterinary Office	CU	CU	CU
Warehouse	N	CU	CR
Water Tower/Water Tank	CR	CR	CR
Wind Energy/Solar Energy Activities	CU	CU	CR
Winery with Retail Sales	CR	CU	CU
Wireless Communications Facilities (to include, towers and antennas)	CR	CR	CR
<b>Mixed Uses</b>			
Convenience Store with Gasoline Service Station	CR	CU	CU
Planned Residential and Non-residential Mixed Developments (PRNRDs)	CR	CR	N
<b>Accessory Uses</b>			
Accessory Use to conforming principle use	P	P	P
Accessory Use to non-conforming use	CU	CU	CU

## *Appendix C*

### **PUD OVERLAY DISTRICTS**

#### **PUD: Permitted and Conditional Uses**

	Permitted Use	Conditional Use
Planned Residential Developments (PRD)	R-3	RA, C-1, I-1
Planned Non-residential Developments (PNRD)	C-1, I-1, I-2	
Planned Business & Technology Parks (PBTP)	C-1, I-1	
Planned Residential and Non-residential Mixed Developments (PRNRD)		RA, C-1, I-1

#### **PUD Land Area Minimum Requirements**

PRD	PRND	PBTP	PRNRD
10 acres	50 acres	50 acres	50 acres

#### **PUD Public Service (water and sewage) Minimum Requirements**

Public water and public sewage services must be available for all planned units (structures and buildings).



## *Appendix D*

### OFF-STREET PARKING REQUIREMENT MINIMUMS

<b>RESIDENTIAL: Minimum Off-Street Parking Requirements</b>	
<b>USES</b>	<b>Minimum Required Spaces</b>
Apartment Building	1.5 spaces per dwelling unit. Visit and .5 visitor spaces per dwelling unit. Must be located within 300 feet of each dwelling unit.
Boarding House or Group Home	1 space per 3 beds and 1 space per employee on peak shift.
Duplex	2 spaces per dwelling unit
Mobile Home Park	2 spaces per dwelling unit
Nursing/Personal Care and other like Uses	1 space per 3 beds and 1 space per employee on peak shift.
PUD: Planned Residential Development	2 spaces per dwelling unit.
Single Family Dwelling	2 spaces per dwelling unit.
Duplex	2 spaces per dwelling unit.
Multi-Family Dwelling	2 spaces per dwelling unit.
Townhouse	2 spaces per dwelling unit.
Apartment Building	2 spaces per dwelling unit.
Elderly High Rise Apartments	1 space per dwelling unit.
Elderly High Rise Apartments serviced by public transportation	1 space per every 2 dwelling units.
School Dormitory	1 spaces per every 2 occupants.

<b>NONRESIDENTIAL: Minimum Off-Street Parking Requirements</b>	
<b>USES</b>	<b>Minimum Required Spaces</b>
Adult Business Uses	1 space per one hundred (100) sq. ft. of floor space and 1 space per employee on peak shift.
Administrative Offices	
Airport	
Amusement/Recreation Facility (outdoor) Amusement/Recreation Facility (indoor)	1 space per every 3 persons that the facility is designed to accommodate when used at maximum capacity, plus 1 space per employee at peak shift.
Assembly Hall	1 space per every 3 person that the facility is designed to accommodate when used at maximum capacity, plus 1 space per employee at peak shift.
Assembly/Fabrication Facility	1 space per employee on peak shift
Automobile Gasoline Station	A minimum of 6 spaces for customer parking and 1 space per every employee on peak shift, plus additional requirements for other associated uses within the establishment.
Automobile Sales/Rental/Service	5 spaces per every 1000 sq. ft. of land area, plus 1 space per each 400 sq. ft. of office and/or sales area.
Bank/Financial Institution	1 space/200 sf of gross floor area and 1 space/employee on peak shift and 5 off-street waiting spaces/drive-in window
Bed and Breakfast	1 space per every guest room plus 1 space per every

<b>NONRESIDENTIAL: Minimum Off-Street Parking Requirements</b>	
	employee on peak shift.
Business and Technology Park	
Campground	1 space for every 2 campsites
Carwash	A minimum of 3 stacking reservoir spaces per every wash bay, plus 1 space for every employee on peak shift.
Cemetery	1 space per every 5,000 sq. ft. of gross lot area office/admin./chapel/mausoleum/viewing room space and 1 space/employee on peak shift
Commercial Services (such as: Bakery, Laundromat, Dry Cleaner, Beauty Salon, Barber Shop, Nail Salon, Spa, etc.)	A minimum of 3 spaces/500 sq. ft. of gross floor area.
Communications Tower	A minimum of 3 spaces.
Community Building, Country Club, Social Hall, Lodge, Fraternal Organization, and like Uses	See Assembly Hall
Conference/Training Center	1 space/3.5 seats in areas with fixed seating plus 1 space per each 200 sq. ft. of assembly or display space without fixed seats, plus 1 space per every 2 employees on peak shift.
Contractor's Yard	1 space/200 sq. ft. of gross floor area and 1 space/employee
Convenience Store	1 space/200 sq. ft. of gross floor area and 1 space/employee (does not include vehicle refueling positions)
Dance Studio/Martial Arts School	1 space for every 250 sq. ft. of gross floor area, plus 1 space for every instructor.
Day Care Facility	1 space per every staff person on peak shift and 1 space per every 5 attendants
Drive-in Establishment	1 space per employee on peak shift, plus 5 reservoir stacking spaces for each drive-in window.
Driving Range	2 spaces for every Tee, plus 1 space for every employee to include groundskeepers.
Education Institutions: Primary and Secondary Schools	1 space for every teacher, employee, administrator, and 1 space for every four seats in the auditorium or gymnasium
Education Institutions: Colleges and Universities	1 space for every teacher/professor, employee, administrator plus 1 space for every 1 commuter student
Fairground/Farm Show Grounds, Animal Auction House, Outdoor Flea Market, Race Track	1 space per every 3 persons that the facility is designed to accommodate when used at maximum capacity, plus 1 space per employee at peak shift.
Financial Institution	1 space per 200 sq. ft. of gross floor area. In addition, provided a drive-in service is on-site - see drive-in establishment.
Flex Space	1 space per 1000 sq. ft. of gross floor area plus 1 space for every employee at peak shift.
Food Packaging Facility	1 space per every 1000 sq. ft. of gross floor area plus 1 space for every employee at peak shift.
Funeral Home	15 spaces per viewing room/parlor
Furniture or Appliance Store	

<b>NONRESIDENTIAL: Minimum Off-Street Parking Requirements</b>	
Garden Center/Greenhouse (retail)	1.5 spaces per every 1,000 sq. ft. of gross lot area.
Gas & Oil Production Facility	1 space for every employee at peak shift.
Golf Course	6 spaces/hole and 1 space/employee on peak shift, plus any other associated use parking requirements.
Greenhouse	Wholesale: Retail:
Hardware/Home Improvements Store	
Healthcare Establishment (medical center, physician's office, dentist office, optometrist office, and like uses - etc.) does not include establishments for overnight stay	1 space/per every treatment room, plus one space for every employee, plus one space for every physician.
Hospital	1 space for every 2 beds and 1 space per employee on peak shift.
Hotel/Motel	1 space per employee on peak shift, plus 1 space per sleeping unit; plus additional requirements for other associated uses within the establishment.
Kennel	1 space/employee on peak shift
Library	1 space/600 square feet
Manufacturing	Heavy: 1 space per every 2,000 sq. ft. of gross floor area Light: Greater of 1 space per every 750 sq. ft. of gross floor area or 1 space/employee on peak shift
Massage Therapy Establishment	1 space/table
Medical Clinic	5 spaces/doctor on duty
Municipal Building (Offices)	1 space/employee on peak shift plus 2 visitor spaces
Museum	1 space/600 square feet
Nursing home, Personal Care Facility, Skilled Nursing Facility, and like Uses	1 space for every 3 beds plus 1 space for each employee on peak shift
Pharmacy	1 space per 500 sq. feet of floor area
Photography Studio	1 spacer per every 300 square feet of gross floor area
Places of Worship	
Post Office	1 space per every 500 sq. ft. of gross floor area.
Printing/Media Design Establishment	1 space per every 500 sq. ft. of gross floor area.
Private Club	1 space per every 500 sq. ft. of floor area
Professional Office (non-medical or health related) which contain no manufacturing, assembly, warehousing, testing, storage, and transfer of equipment or materials.	1 space per every 350 square feet of gross floor area.
Research and Development Facility	1 space per every 500 sq ft of gross floor area
Restaurant	1 space for every 3 seats plus 1 space for every employee at peak shift.
Retail Business/Personal Services - low-intensity neighborhood store (such as bakery, dry-cleaner, laundromat, jewelry store, hair salon, nail salon, barber shop, spa, antique shop, convenience store).	1 space per every 200 sq. ft. of gross floor area.
Storage Facility	1 space per every 2 employees, plus 1 space per 10 storage units

<b>NONRESIDENTIAL: Minimum Off-Street Parking Requirements</b>	
Social Club	1 space/200 square feet of net floor area
Tavern/Pub/Bar	1 space/50 sf of public or net floor area and 1 space/employee on peak shift
Warehouse/Distribution Center	1 space per every employee on peak shift
Warehouse Sales/Showroom	1 space per every 400 sq. ft. of gross floor area of sales space, plus 1 space for every 1,000 sq. ft. of warehouse space, plus 1 space for every employee at peak shift.

*Appendix E*  
**ZONING DISTRICT MAP**