

# **Brown Township**

Mifflin County, Pennsylvania

---

## **Zoning Ordinance**

February 2011

Consultant:





Brown Township Zoning Ordinance

**This Ordinance was prepared under the direction of and with the assistance of the following Brown Township officials**

Board of Supervisors

Eugene I. Glick, Chair  
Richard F. Yearick, Vice Chair  
Gerald R. Middlesworth  
Carol A. Reed, former Supervisor

Planning Commission

James O. Reed, Chair  
Dennis H. Bonson, Vice Chair  
Samuel K. Miller, Jr., Secretary  
Roy S. Stine  
Thomas B. Lake, Former Member  
Steven A. Glick

Township Staff

Teresa L. King, Township Secretary  
Timothy A. Plank, Zoning Officer

Township Solicitor

Jeffrey L. Snook, Esq.

**Page Intentionally Blank**

ORDINANCE NO. 2011-\_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF BROWN, MIFFLIN COUNTY, PENNSYLVANIA, TO BE KNOWN AS THE BROWN TOWNSHIP ZONING ORDINANCE OF 2011, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR AGRICULTURAL, RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL AND OTHER PURPOSES; REGULATING THE BULK AND SIZE OF BUILDINGS, STRUCTURES AND OTHER USES; ESTABLISHING ZONING DISTRICTS AND REGULATIONS FOR USES WITHIN SUCH ZONES; DEFINING TERMS USED IN THE ORDINANCE; ESTABLISHING PERFORMANCE STANDARDS AND REGULATIONS FOR USES; PROVIDING REGULATIONS FOR NONCONFORMING USES AND STRUCTURES; ADOPTING AN OFFICIAL ZONING MAP ESTABLISHING THE ZONING CLASSIFICATION OF ALL LAND WITHIN THE TOWNSHIP; PROVIDING FOR THE APPOINTMENT OF A ZONING OFFICER; PROVIDING FOR THE ADMINISTRATION OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF A ZONING HEARING BOARD AND THE POWERS AND DUTIES OF THE ZONING HEARING BOARD; ESTABLISHING REQUIREMENTS FOR PERMITS AND FEES; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF THE TOWNSHIP OF BROWN, MIFFLIN COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

**Page Intentionally Blank**

## **BROWN TOWNSHIP ZONING ORDINANCE**

### **TABLE OF CONTENTS**

#### **ARTICLE I. General Provisions**

<u>101</u>	Title .....	1
<u>102</u>	Short title .....	1
<u>103</u>	Purpose and Community Development Objectives .....	1
<u>104</u>	Interpretation .....	2
<u>105</u>	Application .....	2
<u>106</u>	Authority .....	2
<u>107</u>	Uses Not Provided For .....	2

#### **ARTICLE II. Definitions**

<u>201</u>	General Interpretation .....	3
<u>202</u>	Definition of Specific Words and Terms .....	3

#### **ARTICLE III. Designation of Districts**

<u>301</u>	Zoning Districts .....	29
<u>302</u>	Zoning Map .....	29
<u>303</u>	District Boundaries .....	29
<u>304</u>	Interpretation of Boundaries .....	30

#### **ARTICLE IV. A Agricultural District**

<u>401</u>	Purpose .....	31
<u>402</u>	Uses Permitted by Right .....	31
<u>403</u>	Special Exception Uses .....	32
<u>404</u>	Conditional Uses .....	32
<u>405</u>	Limitations of Uses .....	33
<u>406</u>	Area and Bulk Requirements .....	33
<u>407</u>	General Requirements for all Uses .....	34

#### **ARTICLE V. R-1 Rural-Residential District**

<u>501</u>	Purpose .....	37
<u>502</u>	Uses Permitted by Right .....	37
<u>503</u>	Special Exception Uses .....	38
<u>504</u>	Area and Bulk Requirements .....	38
<u>505</u>	General Requirements for all Uses .....	40

#### **ARTICLE VI. R-2 Single Family Residential District**

<u>601</u>	Purpose .....	41
<u>602</u>	Uses Permitted by Right .....	41
<u>603</u>	Special Exception Uses .....	42
<u>604</u>	Area and Bulk Requirements .....	42
<u>605</u>	General Requirements for all Uses .....	44

**ARTICLE VII. R-3 Suburban Residential District**

<u>701</u>	Purpose .....	45
<u>702</u>	Uses Permitted by Right .....	45
<u>703</u>	Special Exception Uses .....	45
<u>704</u>	Area and Bulk Requirements .....	46
<u>705</u>	General Requirements for all Uses .....	48

**ARTICLE VIII. V-C Village Center District**

<u>801</u>	Purpose .....	51
<u>802</u>	Uses Permitted by Right .....	51
<u>803</u>	Special Exception Uses .....	52
<u>804</u>	Area and Bulk Requirements .....	53
<u>805</u>	General Requirements for all Uses .....	54

**ARTICLE IX. C Commercial District**

<u>901</u>	Purpose .....	57
<u>902</u>	Uses Permitted by Right .....	57
<u>903</u>	Special Exception Uses .....	58
<u>904</u>	Area and Bulk Requirements .....	59
<u>905</u>	General Requirements for all Uses .....	60

**ARTICLE X. C-H Commercial Highway District**

<u>1001</u>	Purpose .....	63
<u>1002</u>	Uses Permitted by Right .....	63
<u>1003</u>	Special Exception Uses .....	64
<u>1004</u>	Area and Bulk Requirements .....	65
<u>1005</u>	General Requirements for all Uses .....	66

**ARTICLE XI. I Industrial District**

<u>1101</u>	Purpose .....	69
<u>1102</u>	Uses Permitted by Right .....	69
<u>1103</u>	Special Exception Uses .....	70
<u>1104</u>	Area and Bulk Requirements .....	70
<u>1105</u>	General Requirements for all Uses .....	71

**ARTICLE XII. TND Traditional Neighborhood Development Overlay Zone**

<u>1201</u>	Purpose and Intent .....	73
<u>1202</u>	Overlay Zone .....	74
<u>1203</u>	Master Plan for a “Traditional Neighborhood Development” .....	75
<u>1204</u>	Overall Requirements .....	76
<u>1205</u>	Buildings or Uses Permitted .....	82
<u>1206</u>	Common Open Space .....	83
<u>1207</u>	Dimensional Requirements – Residential .....	84
<u>1208</u>	Dimensional Requirements – Commercial/Mixed Use .....	88
<u>1209</u>	Street Standards .....	89



<a href="#">1210</a>	Access Controls .....	91
<a href="#">1211</a>	Landscaping and Street Trees .....	91
<a href="#">1212</a>	Parking Incentive .....	92
<a href="#">1213</a>	Utility and Service Requirements .....	92
<a href="#">1214</a>	Flexibility in Parking .....	93
<a href="#">1215</a>	Traditional Neighborhood Development Governance Documents .....	93
<a href="#">1216</a>	Subsequent Revisions within the Traditional Neighborhood Overlay Zone	95
<a href="#">1217</a>	Modifications of Design Standards .....	95
<a href="#">1218</a>	Definitions .....	95
<a href="#">1219</a>	Administrative Procedures .....	99

**ARTICLE XIII. PRD Planned Residential Development Overlay**

<a href="#">1301</a>	Purpose and Intent .....	109
<a href="#">1302</a>	Overlay Zone .....	110
<a href="#">1303</a>	Master plan for a “Planned Residential Development” .....	110
<a href="#">1304</a>	Overall Requirements .....	111
<a href="#">1305</a>	Buildings or Uses Permitted .....	113
<a href="#">1306</a>	Common Open Space .....	114
<a href="#">1307</a>	Dimensional Requirements .....	114
<a href="#">1308</a>	Street Standards .....	116
<a href="#">1309</a>	Access Controls .....	118
<a href="#">1310</a>	Landscaping and Street Trees .....	118
<a href="#">1311</a>	Parking Incentive .....	118
<a href="#">1312</a>	Utility and Service Requirements .....	119
<a href="#">1313</a>	Planned Residential Development Governance Documents .....	120
<a href="#">1314</a>	Subsequent Revisions within the Planned Residential Development Overlay Zone .....	122
<a href="#">1315</a>	Administrative Procedures .....	122

**ARTICLE XIV. NRP Natural Resource Protection Overlay Zones**

<a href="#">1401</a>	Purpose .....	123
<a href="#">1402</a>	Identification and Delineation of Natural Resource Protection Overlays ...	123
<a href="#">1403</a>	Mifflin County Natural Heritage Inventory Sites .....	123
<a href="#">1404</a>	Conflict .....	123
<a href="#">1405</a>	Permitted and Prohibited Uses .....	123
<a href="#">1406</a>	Area and Bulk Requirements .....	124
<a href="#">1407</a>	Design and Performance Standards .....	124
<a href="#">1408</a>	Wetlands Protection .....	125
<a href="#">1409</a>	Stream Corridors Protection .....	125
<a href="#">1410</a>	Floodplain Areas .....	127

**ARTICLE XV. Supplemental Regulations**

<a href="#">1501</a>	Purpose .....	129
<a href="#">1502</a>	General Provisions for all Uses .....	129
<a href="#">1503</a>	Accessory Uses .....	134
<a href="#">1504</a>	Specific Use Standards .....	139

**ARTICLE XVI. Signs**

<u>1601</u>	Purpose .....	167
<u>1602</u>	General Regulations .....	167
<u>1603</u>	Sign Location .....	168
<u>1604</u>	Sign Dimensions .....	168
<u>1605</u>	Nonconforming Signs .....	169
<u>1606</u>	Specific Sign Requirements .....	169

**ARTICLE XVII. Off-Street Parking, Off-Street Loading and Vehicular Access**

<u>1701</u>	Purpose .....	177
<u>1702</u>	General Requirements .....	177
<u>1703</u>	Required Off-Street Parking .....	178
<u>1704</u>	Accessible Parking Spaces .....	181
<u>1705</u>	Design Standards .....	182
<u>1706</u>	Off-Street Loading .....	183
<u>1707</u>	Landscaping and Screening .....	184
<u>1708</u>	Drive-through Off-Street Stacking Space Regulations .....	186

**ARTICLE XVIII. Administration and Enforcement**

<u>1801</u>	Zoning Officer .....	189
<u>1802</u>	Zoning Permit and Building Permit .....	190
<u>1803</u>	Certificate of Use and Occupancy .....	194
<u>1804</u>	Enforcement .....	195
<u>1805</u>	Nonconforming Uses and Structures .....	197
<u>1806</u>	Conditional Use Process .....	198
<u>1807</u>	Zoning Hearing Board, Creation and Organization .....	200
<u>1808</u>	Hearings before Zoning Hearing Board .....	201
<u>1809</u>	Jurisdiction of Zoning Hearing Board .....	203
<u>1810</u>	Time Limitations for Appeals to Zoning Hearing Board .....	204
<u>1811</u>	Stay of Proceedings of Appeals to Zoning Hearing Board .....	204
<u>1812</u>	Variances .....	205
<u>1813</u>	Special Exceptions .....	206
<u>1814</u>	Amendments .....	207
<u>1815</u>	Procedure for Landowner Curative Amendments .....	208
<u>1816</u>	Procedure for Township Curative Amendments .....	209

**ARTICLE XIX. Conflict and Validity**

<u>1901</u>	Severability .....	211
<u>1902</u>	Repealer and Savings .....	211
<u>1903</u>	Effective Date .....	211

**APPENDIX A**

**ZONING MAP**

**ARTICLE I**  
**GENERAL PROVISIONS.**

**SECTION 101 – Title.**

An ordinance of Brown Township, Mifflin County, Pennsylvania, amending and comprehensively revising the Zoning Ordinance of 1973, as amended, permitting, prohibiting, regulating, restricting and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures, the areas of dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures, the density of population and intensity of use, the location and size of signs, creating zoning districts and establishing the boundaries thereof on a zoning map incorporated therein by reference, continuing the office of Zoning Officer, continuing a Zoning Hearing Board and providing for the administration, amendment and enforcement of this Ordinance, including the imposition of penalties.

**SECTION 102 - Short title.**

This Ordinance shall be known and may be cited as the "Brown Township Zoning Ordinance."

**SECTION 103 - Purpose and Community Development Objectives.**

A. This Ordinance is hereby adopted in accordance:

1. With the requirements of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, as reenacted and amended.
2. With the community development objectives of the Township's Comprehensive Plan.
3. With consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

B. This Zoning Ordinance has been prepared with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

1. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.
2. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

**SECTION 104 - Interpretation.**

In the interpretation of the regulations and provisions of this Ordinance, the regulations and provisions of this Ordinance shall be held to be the minimum requirements and standards adopted for the protection and promotion of the public health, safety, morals and welfare.

It is not intended by this Ordinance to repeal, abrogate, annul or in any way affect the existing provisions and requirements of other ordinances or the existing provisions or requirements of the laws, rules and regulations prescribed by the State and federal governments or any of their respective regulatory agencies or existing private restrictions placed upon property or restrictive covenants running with the land and imposed by deed or other private agreement. In cases where the laws of the State or federal governments or any of their respective regulatory agencies impose a greater restriction or a stricter requirement upon lands, buildings, structures, uses or other features than is imposed by this Ordinance, or in cases where private restrictions or private covenants running with the land impose a greater restriction or a stricter requirement upon lands, buildings, structures, uses or other features than is imposed by this Ordinance, such laws, rules, regulations, private restrictions or private covenants shall control. However, where this Ordinance imposes a greater restriction or a stricter requirement, this Ordinance shall control.

**SECTION 105 - Application.**

Except as hereinafter provided, no building, structure, land or parts thereof in the Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed or structurally altered unless in conformity with the provisions of this Ordinance.

**SECTION 106 - Authority.**

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, P.L. 805, as reenacted and amended.

**SECTION 107 - Uses Not Provided For**

Whenever, in any District established under this Ordinance, a use is not specifically permitted and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer may refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and no more intensive than permitted uses in the District and in no way is in conflict with the general purpose and intent of this Ordinance.

## ARTICLE II

### DEFINITIONS

#### **SECTION 201 – General Interpretation**

In this Ordinance, when not inconsistent with the context:

- A. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender.
- B. The word “person,” “applicant,” “subdivider,” “developer” and “owner” shall include an individual firm, association, organization, partnership, trust, company, public or private corporation for profit or not-for-profit, political subdivision, agency or instrumentality of the Commonwealth, bureau or agency of the United States, or any other similar entity.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- D. The word "structure" includes "building"; The words “structure,” “building,” “use” and “lot” shall be construed as if followed by the phrase "or part thereof."
- E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be occupied."
- F. Whenever a governmental, or non-governmental agency is cited, it shall be construed to be followed by the words “or successor agency.”

#### **SECTION 202 – Definition of Specific Words and Terms**

If a word or term is not defined by this Ordinance, but is defined in the Brown Township Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance or the Brown Township SALDO, the word or term shall have ascribed to it its ordinary accepted meaning such as the context of the section may require or imply. In the latter case, a standard reference dictionary should be consulted. See also Article XII of this Ordinance, Traditional Neighborhood Development Overlay Zone, for definitions specific to Traditional Neighborhood Development.

**ABUT** - contiguous properties sharing a common property boundary.

**ACCESS DRIVE** - a privately owned, constructed and maintained vehicular access from a public or private street.

**ACCESSORY BUILDING** - a detached subordinate building or structure, the use of which is customarily incidental to that of the principal building or use and that is located on the same lot as occupied by the principal building or use and is not considered a substantial improvement.

**ACCESSORY DWELLING UNIT (ADU)** - a small, self-contained residential unit built on the same lot as an existing single-family home. ADUs may be built within a primary residence (such as in an attic or basement), attached to the primary residence (like a small duplex unit with a

separate entrance), or detached from the primary residence (such as above, or the conversion of, a detached garage). An ADU is subordinate in size, location, and function to the primary residential unit. Accessory Dwelling Units are also known as Accessory Residential Unit, ECHO Housing, Granny Flat, In-Law Apartment, etc.

**ACCESSORY STRUCTURE** - a structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

**ACCESSORY USE** - a use subordinate and customarily incidental to the principal use on the same lot.

**ADJACENT** - two (2) or more lots sharing a common property or lot line or that are separated only by a street right-of-way or waterway from each other.

**ADULT ENTERTAINMENT FACILITY** - a nightclub, theater, bar or other establishment which features live or media representations of performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons; any business, indoor or outdoor, which exhibits a motion picture show or other presentations which, in whole or in part, depicts nudity, sexual conduct, sadomasochistic abuse as defined by the Pennsylvania Consolidated Statutes, Title 18, Chapter 59, Section 5903, as amended.

**ADULT ORIENTED BUSINESS** - any business that purveys sex in one form or another. Entertainment, retail and service businesses such as, but not limited to, theaters and cabarets, bookstores, video rental and sales, hotels and motels, escort agencies, massage parlors and peep shows.

1. Products and services may include movies, videos, photographs, books, magazines, sexual devices, live or simulated performances, and tactile services, such as massages. Massage therapy performed by a certified massage therapist is not included in this definition.

2. A business shall be considered adult in nature when sexually oriented products or services are promoted or advertised, and sexually oriented products are visible and accessible to the general public.

**AGRIBUSINESS** - economic activities of farms that assemble, process, and transform raw agricultural commodities into final products for distribution to consumers. Agribusinesses are operated in association with an existing agricultural operation and include all such activities that support farm production and the conversion of raw farm products to consumable goods. Agribusinesses include but are not limited to greenhouses, dairies, equipment sales, feed mills and locker plants.

**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. For the purposes of this ordinance, Concentrated Animal Operations (CAOs), and Concentrated Animal Feeding Operations (CAFOs), shall not be considered “normal agricultural operations.”

**AGRICULTURE** - the cultivation of the soil, the raising of crops, forestry, horticulture and gardening, including but not limited to, the keeping or raising of livestock, such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees and other similar animals, but excluding concentrated animal operations (CAOs) and Concentrated Animal Feeding Operations (CAFOs). This definition also includes non-commercial greenhouses, as well as the processing and accessory retail sale of goods produced on the farm.

**AGRICULTURE, INTENSIVE** – specialized agricultural activities including, but not limited to, mushroom production, poultry production and dry lot livestock production, which due to the intensity of production, necessitate development of specialized sanitary facilities and controls. Intensive agricultural operations shall include, but not be limited to, Concentrated Animal Feeding Operations (CAFO) and Concentrated Animal Operations (CAO).

**AIRPORT or AIRSTRIP** - an area of land, for either private or public use, which is designed, used or intended to be used for the landing and takeoff of airplanes or ultra-light aircraft and any appurtenant areas which are designed to be used for airplane support facilities such as maintenance, refueling and parking facilities. Airports and airstrips, either privately or publicly owned and/or operated, shall meet all applicable State and Federal regulations.

**ALLEY** - a permanent service way providing secondary means of access to abutting lands. See also Article XII of this Ordinance, Traditional Neighborhood Development (TND), for the definition of “Alley” specific to TND.

**ALTERATION** - any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

**ALTERNATIVE ENERGY SYSTEM** for the purpose of this ordinance, an alternative energy system shall be defined as a small wind energy system and/or solar collector(s) for personal residential or small business use.

**AMUSEMENT ESTABLISHMENTS** – an establishment where electronic and/or mechanical coin-operated devices, including but not limited to pinball machines, electronically operated shuffleboards, bowling, video games, electronically operated tennis, billiards and other similar games of amusement are provided and utilized as the principal use of the premises. Amusement establishments include but are not limited to Game Rooms, Arcades, and Video Arcades.

**ANIMAL HOSPITAL** - a building, structure or area of land where animals are given medical care, other than the premises where such animals are boarded. The definition of animal hospital shall include a veterinarian office.

**APARTMENT** - an individual dwelling unit within a multi-family dwelling structure or building.

**APARTMENT HOUSE** – See DWELLING, Multi-family Dwelling.

**AUTOMOBILE AND MOTOR VEHICLE SALES ESTABLISHMENT** - an indoor or outdoor area, other than a street, used for the display, sale or rental of new or used motor vehicles,

recreation vehicles or boats in operable condition, and where no major vehicular or boat repair work is done. Trucks, motorcycles, All Terrain Vehicles (ATV), and Off-Highway Vehicles (OHV) shall be included in this definition.

**AUTOMOBILE SERVICE AND REPAIR STATION** - buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major vehicular or boat repairs are conducted. The definition of automobile repair station shall include an automobile body shop.

**BANK** - See "Financial Institutions" herein.

**BASEMENT** - a portion of a building or structure that is partially below the finished grade but having at least one-half (1/2) of its finished floor to ceiling height above the average elevation of the finished grade abutting the exterior walls. A basement shall be considered as one (1) story in determining the permissible number of stories.

**BED AND BREAKFAST** - an accessory use to an owner-occupied principal dwelling contained in the principal dwelling and/or its accessory structure dwelling in which the owner rents at least one (1) rental unit(s) for residential or lodging purposes, and in which meals are served to overnight guests. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain kitchen facilities or direct access from the outside.

**BLOCK** - Property bounded on one (1) side by a street, and on the other three (3) sides by a street, railroad right-of-way, waterway, and un-subdivided area or bodies of water, or other definite barrier.

**BOARD** - the Zoning Hearing Board of Brown Township.

**BOARD OF SUPERVISORS** - the Board of Supervisors of Brown Township.

**BOARDING HOUSE (ROOMING HOUSE, LODGING HOUSE)** - a dwelling, or that part of a dwelling, in which the owner or tenant rents at least three (3) rental unit(s) for residential or lodging purposes, regardless of whether meals are furnished or not. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain kitchen facilities.

**BUFFER** - an area within a property or site and generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, that is designed to limit the view, sound and/or light from the site to adjacent sites or properties.

**BUILDING** - any structure, either temporary or permanent, having walls and a roof or other covering, designed or used for the shelter or enclosure of any person, animal or property of any kind or combination thereof, including tents, awnings or vehicles situated on private property and used for purposes stated above.

1. **BUILDING, ATTACHED** - a building which has two (2) or more walls or portions thereof in common with an adjacent building.
2. **BUILDING, DETACHED** - a building which has no parts or walls in common with an adjacent building.



3. **BUILDING, SEMIDETACHED** - a building which has one (1) wall in common with an adjacent building.

**BUILDING AREA** — the total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

**BUILDING COVERAGE** - the ratio obtained by dividing the maximum horizontal cross section of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, excluding area within all existing and future or ultimate street rights-of-way.

**BUILDING GRADE** – See **GRADE**

**BUILDING HEIGHT** - the vertical distance from the grade at the front of the building or the average of the grade of the street fronts, if building faces more than one (1) street, to the highest point of the roof beams of a flat roof and to the peak or ridge for gabled, hipped and pitched roofs. Chimneys, flues, vent pipes, water tanks, elevator houses, spires, ventilators, air conditioning equipment, solar energy panels and similar vertical projections are excluded from this definition.

**BUILDING LINE** or **BUILDING SETBACK LINE** – the line on a lot parallel to the street line at a distance from the street line equal to the depth of the front yard required for the Zoning District in which the lot is located; and the line in front of which no building or structure, or part thereof, may be erected, placed or projected except as provided by this ordinance.

**BUSINESS OFFICE** - an office which generally operates on an appointment basis and with relatively low pedestrian or vehicular traffic, including offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate offices, teachers and miscellaneous consulting services. See also **Office, Professional**.

**CAMPGROUND, CAMP** - a lot, tract or parcel of land upon which two (2) or more campsites are located or established, intended and maintained for occupation by transients for seasonal, recreational or similar type living purposes in temporary, moveable buildings such as recreational vehicles, tents or shelters, and which may include accessory recreational facilities.

**CAMPSITES** - a plot of ground within a campground intended for occupation by a recreational vehicle, tent or shelter.

**CARWASH** – a facility devoted to the washing and waxing of the exterior of vehicles and the cleaning of their interiors by automated equipment and employees of the establishment, but where no sale of gasoline, preventive maintenance or repair to the vehicles shall be offered and performed.

**CELLAR** - a portion of a building or structure having a finished floor to ceiling height less than seven (7) feet, and more than one-half (1/2) of its finished floor to ceiling height below the average elevation of the finished grade abutting the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

**CLUB** - an institutional use of land and/or a building within which is housed an organization that caters exclusively to members and their guests. They shall include premises or buildings for social, recreation, and administrative purposes that are not conducted for profit, provided there

area no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include but not be limited to, fraternal, political, religious, and service organizations, labor unions, Granges, and social and athletic clubs. Clubs shall not be used for adult-related activities such as provided by an Adult Oriented Business defined herein.

**COMMERCIAL VEHICLE** – a vehicle designed or used primarily for carrying freight or goods. This definition shall also include buses, trolleys and taxis in the transport of passengers.

**COMMISSION** - the Planning Commission of Brown Township.

**COMMUNICATIONS ANTENNA** - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omni-directional or whip antennae and directional or panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

**COMMUNICATIONS EQUIPMENT BUILDING** - an unmanned building or cabinet containing communications equipment required for the operation of communications antennae and covering an area on the ground not greater than two hundred fifty (250) square feet.

**COMMUNICATIONS TOWER** - a structure other than a building, such as a monopole, self-supporting or guyed tower designed and used to support communications antennae.

**COMMUNITY CENTER** – a building which is used primarily to provide cultural, recreational or self-development activities or programs for children or adults.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** - An animal feeding operation that is required to obtain NPDES permits in accordance with the Clean Water Act.

**CONCENTRATED ANIMAL OPERATION (CAO)** - an animal feeding operation that is required to develop a nutrient management plan in accordance with the Pennsylvania Nutrient Management Act.

**CONDITIONAL USE** - a use permitted in a particular zoning district pursuant to the provisions in Article VI, Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**CONDOMINIUM** - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under the Pennsylvania Unit Property Act of July 3, 1963, 68 P.S. Section 700.10 et seq., as amended, or the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §3101 et seq., as amended.

**CONVENIENCE STORE** – a retail establishment primarily selling a limited variety of prepackaged food, tobacco, drugs, periodicals, household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. Convenience stores may include the dispensing of gasoline or other vehicle fuels when the appropriate approvals for an Automobile Service and Repair Station (as defined herein) have been obtained.

**CONVALESCENT HOME** – See NURSING HOME.

**CONVERSION APARTMENT HOUSE**- a multi-family dwelling resulting from the conversion of an existing building or dwelling into three (3) or more dwelling units without substantially altering the exterior of the building.

**CORRECTIONAL AND PENAL INSTITUTIONS** - a facility, the primary purpose of which is to house or confine those held in lawful custody as a result of allegation, convictions, or adjudications of criminal or delinquent conduct.

**CREMATORIUM** - a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

**CURATIVE AMENDMENT** - a proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

**DAY CARE FACILITIES, CHILD** — a facility in which a wide range of formal care is provided by qualified staff for remuneration to seven (7) or more children under age of sixteen (16) years if such children are not related to the provider by blood, marriage or adoption or are not placed in the home as foster children pursuant to direction by an authorized licensed foster child agency or who are not placed in the home by court order. Child Day Care Facilities shall meet all applicable requirements of the State Department of Public Welfare. The following types of child care facilities are regulated by the PA Department of Public Welfare:

1. **Child Care Center** - A child care facility in which seven (7) or more children who are not related to the operator receive child care.
2. **Group Child Care Home** - A child care facility in which seven (7) though twelve (12) children of various ages or in which seven (7) though fifteen (15) children from 4th grade through fifteen (15) years of age who are not related to the operator receive child care.
3. **Family Child Care Home** - A child care facility located in a home in which four, five or six children who are not related to the caregiver receive child care.

**DEMOLITION** - the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part; provided such changes do not alter the structural integrity of the building. This term shall not include changes to the interior of a building.

**DENSITY** - the number of dwelling units within a standard measure of land area, usually given as units per acre.

**DISTRICT (or ZONING DISTRICT)** - a portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DORMITORY** - A building, structure or portion thereof containing living quarters for students, staff or members of a college, university, boarding school, theological school, hospital, religious order or comparable organization and is either owned or managed by said organization.

**DRIVE-IN** – a business establishment so developed that its retail or service character is dependent upon providing an access drive approach or spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

**DRIVE-THRU**– a feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

**DRIVEWAY** - a private drive providing access between a public and private street or access drive and a parking area for a single unit of occupancy, a farm or a land development.

**DWELLING** - a building or part thereof, designed or used as a living quarters for one (1) or more families including mobile homes, which are supported by a permanent foundation. The term "dwelling" shall not be deemed to include boarding or rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence, tent, recreational vehicle, treatment center or other accommodations used for transient occupancy. For purposes of this Ordinance, the following types of dwellings are defined:

1. **SINGLE-FAMILY DETACHED** - a building designated for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an abutting dwelling. A mobile/manufactured home affixed to a permanent foundation shall be considered a "single-family detached dwelling."
2. **DUPLEX (TWO-FAMILY DETACHED OR SINGLE-FAMILY SEMI-DETACHED)** - a freestanding building containing two dwelling units for two families, arranged in a side-by-side or over and under configuration, totally separated by an un-pierced wall. For the purpose of this ordinance a Two-Family dwelling shall be in an over and under configuration and a Semi-detached dwelling shall be side-by-side.
3. **SINGLE-FAMILY ATTACHED (TOWNHOUSE OR ROW HOUSE)** - a building designed for and occupied as a residence, containing one (1) dwelling unit and having two (2) or more common or party walls with abutting buildings.
4. **MULTI-FAMILY DWELLING** - a building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-family dwellings include rental apartment buildings and condominiums.
  - a. **Garden Apartment** - a multifamily dwelling, two-stories in height, constructed and designed for four (4) or more dwelling units, half of the dwelling units located on the first floor, half the dwelling units located on the second floor.
  - b. **Low-Rise Apartment House** - a multifamily dwelling, three or four stories in height, constructed and designed for three (3) or more dwelling units, with at least one (1) dwelling unit on each story.

**DWELLING UNIT** - one (1) room or a group of rooms forming a single housekeeping unit for one (1) family with living, sleeping, cooking and sanitary facilities.

**ELECTRIC GENERATING FACILITY** - a facility that produces electricity, owned and operated by an electric utility or independent producer.

1. Facilities using fossil fuels such as coal, oil and natural gas.
2. Hydroelectric facilities.
3. Nuclear facilities.
4. **Alternative Energy Sources**
  - a. **Solar facilities (Solar Farms)** - One (1) or more solar arrays or a power plant that uses solar arrays to convert sunlight into electricity.

b. Wind facilities (Wind Farms) – One (1) or more windmills or wind turbines or a power plant that uses windmills or wind turbines to generate electricity. The term does not include a single traditional small-scale windmill for use on a farm or single private property.

**ELECTRIC SUBSTATION** – a building and its equipment used for the purpose of switching or modifying the electric energy which passes through it in bulk in order to meet the needs of the public, but which does not have a public business office, storage yard, storage building or repair building.

**EMERGENCY SERVICES** - a public use owned and/or operated by an independent fire department or company and/or emergency medical service or ambulance provider for related activities. Accessory club rooms, club grounds and meeting halls may be included if they are permitted uses in that zoning district. This use may include accessory housing for emergency service or fire personnel while on-call.

**FAÇADE** – the portion of any exterior elevation on a building extending from grade to the top of the parapet, wall or eaves and extending the entire length of a building on all sides.

1. **FRONT FAÇADE** - the principal face of a building that fronts on a Street or a Courtyard and contains the principal entrance to such building.

**FAMILY** - one (1) or more persons related by blood, marriage, foster relationship or adoption (or a group of not more than three (3) persons not related by blood, marriage or adoption) living together in a single dwelling and maintaining and functioning as a common household.

The definition of family shall also include not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together as part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family. Through this definition, the Township's intent is to comply with the federal Fair Housing Act, as amended.

**FAMILY BURIAL GROUND** – a small, private burial place for members of the immediate or extended family; typically found in rural areas, and often, but not always, near a residence; different from a family plot, which is an area reserved for family members within a larger cemetery.

**FARM** - a parcel or parcels of land, totaling at least ten (10) acres, held in single and separate ownership, and is principally engaged in agribusiness, agriculture or an agricultural operation as defined herein, including but not limited to growing or harvesting crops or trees, raising livestock, or a combination of such uses.

**FARM MARKET** - a public market at which farmers and other vendors sell produce and other agricultural commodities directly to consumers.

**FARM POND** - a manmade body of water at least two thousand (2,000) square feet in area used for agricultural or recreational purposes.

**FENCE** - a manmade barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

**FINANCIAL INSTITUTION** - a bank, savings and loan association, credit union, finance or loan company or similar establishment.

**FITNESS/HEALTH CENTER** – a facility providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available as well as martial arts instruction, aquatic activities, and massage and other physical therapy.

**FLOODPLAIN** -as defined in the Brown Township Floodplain Ordinance.

**FLOOR AREA (GROSS FLOOR AREA)** - the total space of all floors, as measured to the outside surfaces of exterior walls (or from the center line of party walls separating two (2) buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces. **Net Floor Area** – the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FORESTRY** – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, transporting and selling trees for commercial purposes, which does not involve any land development..

**FUNERAL HOME** - a building designed for the purpose of the preparation and viewing of the deceased prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, or entombments, but may include mortuaries and crematoriums.

**GAME AND FISH PRESERVE** - a protected area of water or land delineated, usually by a fence, and set apart to rear wild animals, including fish and fowl, so that they can be fished or shot for sport in the hunting season. For the purposes of this Ordinance, a Game and Fish Preserve may operate as a private club or as a commercial operation.

**GARAGE, PRIVATE** - an accessory building for the storage of one (1) or more automobiles, other vehicles accessory and incidental to the principal use of the premises, or both.

**GARAGE/YARD SALE** - a temporary use conducted from or on a residential premise in any zoning district involving all general sales and open to the public for the purpose of disposing of personal property.

**GOLF COURSE** - a tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities, and a driving range.

**GOVERNING BODY** - the Board of Supervisors of Brown Township.

**GOVERNMENT FACILITY OR USE, OTHER THAN MUNICIPAL-OWNED** - a public use owned, leased, or occupied by a county, federal or state government, government agency or government authority for valid public health, public safety, or similar governmental purpose, and which is not owned by the Township or an authority created by the Township.

**GRADE** - (a) the elevation of existing or finished ground or paving, (b) the slope of existing or finished ground or paving. See definition of "slope".

**GREEN AREA** - the landscaped space between principal buildings or a recreational area, pocket park, walkway, promenade, or other outdoor space which, for example, may include features such as benches, gazebos, pergolas, trellises, planters, plantings, lighting, and the like.

**GREENHOUSE** - a commercial use primarily involved in horticulture that includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principal use.

**GREENWAY** - an open space corridor in largely natural conditions which may include trails or pathways for bicycles and pedestrians

**GROSS TRACT AREA** - the area of land within the perimeter boundaries or property lines of a proposed Traditional Neighborhood Development.

**GROUP HOME, GROUP CARE FACILITY** - a dwelling unit directly associated with and operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. Such administration is through the direction of paid professional staff and for supervision of residents by full time resident staff. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Pennsylvania and Federal Fair Housing Acts, as amended.

**GUN CLUB** - a facility used for target shooting, trap or skeet, including rifle and pistol clubs.

**HARDWARE STORE** – a retail establishment engaged in the sale of articles for the house and garden, including but not limited to, tools, keys, paint, small appliances, housewares and plumbing and electrical supplies and fixtures.

**HELIPORT OR HELIPAD** - any area of land, water or a structural surface which is designed, used or intended to be used for the landing and takeoff of private use or public use helicopters and any appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling and parking. All heliports and helipads shall be approved and shall meet all the applicable State and Federal regulations for their use.

**HOME OCCUPATION** - an accessory use which is clearly incidental to the residential use of the dwelling unit and carried on only within the dwelling unit.

**HOSPITAL**– an institution, licensed in the Commonwealth as a hospital, which renders inpatient and outpatient medical care for a twenty-four (24) hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all uses are contained upon the hospital property. This definition does not include an animal hospital.

**HOTEL** - a building or group of buildings which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as part of the compensation. This definition shall include Tourist Home.

**HOUSE OF WORSHIP** -- A building, structure, or group of buildings or structures, including accessory uses, designed or intended for worship. Accessory uses may include rectories,

convents, church-related schools, church day-care facilities, cemeteries or any combination thereof.

**HUNTING AND FISHING CAMP** – a parcel of land with or without a dwelling, trailer or other building or structure which is intended only for seasonal or temporary occupancy, for the purpose of hunting or fishing.

**IMPERVIOUS SURFACE** — a surface that prevents the percolation of water into the ground. For the purpose of this Ordinance, all those areas including, but not limited to, parking areas, driveways, roads, sidewalks, decks, patios and any similar areas of stone, gravel, concrete, brick or asphalt shall be considered impervious surfaces.

**JUNKYARD** - a lot, land or structure or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials including, but not limited to, waste paper, rags, scrap metal or other scrap, salvage or discarded material, vehicles or machinery. The deposit or storage of two (2) or more unlicensed, wrecked or disabled vehicles shall be deemed to be a junkyard. This definition shall include Auto Recycling Centers and similar and like terms.

**KENNEL** - any lot on which six (6) or more adult (over six (6) months of age) dogs or cats are kept at any one time during the calendar year. This use may also include breeding of dogs and cats within the limitations of this definition. Any such use shall fully comply with Act 119 of 2008, also known as the “Dog Law,” as amended.

**LANDFILL, SANITARY LANDFILL** — a facility licensed and approved by the Pennsylvania Department of Environmental Resources for the disposal of solid waste where there is no reasonable probability of adverse effects on the public health or the environment from such disposal.

**LAUNDRY AND DRY CLEANING ESTABLISHMENT** - for the purposes of this ordinance, only large-scale commercial/industrial operations apply. Self-service laundries are included in Personal Services.

**LIFE CARE COMMUNITY** - a development designed for the residence and care of elderly persons that provides a continuum of care and services. These facilities shall include independent living, assisted living and skilled nursing home facilities. These facilities may include a community center, personal service shops, recreation areas and common open areas. Age-restricted communities shall not be considered as life-care communities.

**LOCAL GOVERNMENT** - refers to the governments at the city, town, village, borough, township or county.

**LOT** — a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT AREA** - the space contained within the lot lines, excluding space within all existing and future or ultimate street rights-of-way.

**LOT, CORNER** - a lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

**LOT COVERAGE** — that portion of a lot covered by impervious surfaces such as, but not limited to buildings, parking areas, driveways, etc..

**LOT DEPTH** - the mean average horizontal distance between the front and the rear lot lines.



**LOT FRONTAGE** - the length of the front lot line measured at the right-of-way of a public street or private road. On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the lot line most parallel to and nearest the street from which access is obtained.

**LOT LINES** - any line dividing one (1) lot from another.

1. **FRONT LOT LINE (STREET LINE)** - a lot line separating the lot from a street right-of-way.
2. **REAR LOT LINE** - a lot line opposite and most distant from the front lot line.
3. **SIDE LOT LINE** - any lot line other than a front or rear lot line.

**LOT WIDTH** — the horizontal distance measured at the required minimum front (building) setback line, between side lot lines.

**MANUFACTURED HOME** – factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code, is transportable in one or more sections, but is not constructed in such a way that allows transport of the unit other than for the purpose of delivery to a permanent site.

**MANUFACTURING** - the mechanical or chemical treatment or processing of raw products or the production or assembly of finished products from raw or prepared materials into new forms or qualities.

1. **LIGHT MANUFACTURING** – the processing, fabrication, assembly, treatment and packaging of finished products, predominately from previously prepared materials, which is generally free from objectionable odors, fumes, dirt, vibrations or noise.
2. **HEAVY MANUFACTURING** – the manufacturing and processing of raw materials, which may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes.

**MASSAGE PARLOR** - a commercial establishment in which the principal use consists of massage and/or bodywork conducted by persons other than massage therapists.

**MASSAGE THERAPIST** - A person holding a valid massage license issued by the Commonwealth of Pennsylvania or absent such licensing procedure, satisfying either of the following criteria:

1. Has graduated from a school licensed by the Commonwealth of Pennsylvania, or by another state of the United States, which requires at least 500 hours of education in massage and/or bodywork techniques, anatomy and physiology, and who is a member of a nationally recognized professional organization for massage and/or bodywork therapists that adheres to a code of ethics; or
2. Holds current and valid certification from the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB).

**MEDICAL OFFICE OR MEDICAL CLINIC** - a place, building or portion of a building used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage

therapists, or other drugless practitioners involving non-surgical treatment, care, examination and diagnosis, and preventative health services, including inoculation and educational services to outpatients. This definition includes Medical Laboratories used in the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

**METHADONE TREATMENT FACILITY** - a commercial use of land and/or buildings for a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

**MINERAL EXTRACTION** - a site where a mineral, stone, sand, gravel or topsoil is excavated.

**MINI-STORAGE/ SELF-STORAGE FACILITY** - a building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

**MIXED-USE (MIXED-OCCUPANCY) BUILDING** - a building that has one (1) or more dwelling units in addition to one (1) or more commercial uses.

**MOBILE/MANUFACTURED HOME PARK** - any lot, parcel, or tract of land at least five (5) acres in size, upon which three (3) or more mobile/manufactured homes are located for occupancy and used by persons of different families other than members of one household.

**MOTEL** - a building or group of buildings which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation. This definition shall include Tourist Cabin Court.

**MPC** - Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, as reenacted and amended.

**MULTIPLE-USE BUILDING** - a building for two (2) or more principal uses that are either permitted by right or by condition in the zoning district where this Ordinance permits a multiple-use building.

**MUNICIPAL BUILDING OR FACILITY** - a building or facility owned, used or managed by Brown Township or an agency of the Township, including but not limited to parks, playgrounds, recreational areas, maintenance garages and administrative buildings.

**MUNICIPAL PARK OR PLAYGROUND** - any area set aside for recreation, including ancillary buildings and structures, and owned and/or operated by Brown Township.

**NATURE PRESERVE AND WILDLIFE SANCTUARIES** - an area maintained in a natural state for the preservation of both animal and plant life, including nature center, outdoor education laboratory, woodland preserve or arboretum.

**NEIGHBORHOOD GROCERY STORE** – a small, retail establishment selling perishable foodstuffs and dry goods to the local community.

**NIGHTCLUB** - a type of tavern that offers the sale of liquor in conjunction with live entertainment and/or dancing.

**NO-IMPACT HOME-BASED BUSINESS** - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**NONCONFORMING LOT** - a lot which does not meet with the minimum area or dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Board.

**NONCONFORMING STRUCTURE or BUILDING** - a structure or building, or part thereof, which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - a building, structure, sign or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such ordinance or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

**NUISANCE** - the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

**NURSERY/GREENHOUSE** - the raising of trees (for transplanting), ornamentals, shrubs, flowers or houseplants for any commercial purpose.

**NURSING HOME** - an institution or facility in which nursing care and related medical or other health services are provided for a period exceeding 24 hours, for two (2) or more individuals, who are not relatives of the administrator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity, need care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

**OFFICE** - a use that involves administrative, clerical, financial, governmental and professional operations and operations of a similar character. This use shall not include retail or industrial uses.

**OFFICE, PROFESSIONAL** - a building in which services are performed by a member of a profession, or multiple professions, including, but not limited to, an accountant, architect, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor or undertaker.

**OFF-TRACK BETTING PARLOR** - a commercial use where persons can wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

**OPEN SPACE** - the area of a lot unoccupied by principal or accessory structures, streets, driveways or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

**ORDINANCE** - the "Brown Township Zoning Ordinance," including the official zoning map, and any amendments enacted by the Board of Supervisors.

**OUTDOOR FURNACES AND HEATING DEVICES** - any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

**PA DEP** - the Commonwealth of Pennsylvania Department of Environmental Protection.

**PARCEL** - any tract or contiguous tracts of land in the same ownership and contained in the same deed, and occupied as one (1) unit. Land separated by an existing State or Township road shall be considered contiguous.

**PARKING FACILITIES** - outdoor areas or specially designed buildings or garages used for the storage of vehicles.

**PARKING LOT, PRIVATE** – a parking lot of the premises and not operated for profit where off-street parking spaces are provided for passenger or commercial vehicles which are owned or operated by the person owning or leasing the parking lot, his employees, customers, tenants, boarders, visitors or the like.

**PASSENGER TRANSPORTATION TERMINAL** - a building, structure or area where transportation vehicles, including but not limited to buses, trains, and taxis, load or unload passengers.

**PERSONAL SERVICE** - an establishment that provides a service oriented to personal needs which does not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, self service laundries, tailor and seamstress shops, and other similar establishments.

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

**PLANNING COMMISSION** - the Planning Commission for Brown Township.

**POSTAL AND COURIER SERVICES** – enterprises engaged in the distribution, sorting, and delivery of the U.S. mail, or the local and intercity delivery of small parcels.

**PREMISES** – any principal building, principal structure or principal use, or the lot or parcel of land on which the principal building, structure or use is located, and all accessory uses and all yards, open spaces, off-street parking and loading spaces, and driveways.

**PRINCIPAL BUILDING** - the building in which the principal use of a lot is conducted.

**PRINCIPAL USE** - the single dominant use or single main use on a lot.

**PROCESSING** - a function that involves only the cleaning, sorting, sizing, packaging or any combination thereof, of products.

**PUBLIC** – of or relating to a government; authorized by, administered by, or acting for the people as a political entity.

**PUBLIC NOTICE** - notice required by Act 247, the Pennsylvania Municipality Planning Code. Currently Act 247 requires notice to be given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by this Ordinance. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

**PUBLIC UTILITY** - use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment or any combination thereof; and/or electric, gas or oil generating or treatment facilities, supply works, substations, transmission lines, distribution lines. (public transportation; taxis; airlines)

**RECREATIONAL FACILITY** – a private facility designed and equipped for the conduct of sports and/or leisure time activities.

**RECREATIONAL VEHICLE** - any vehicle, regardless of size, self-propelled or designed to be towed or carried by another vehicle, which is designed as a temporary dwelling for travel, recreational and vacation uses. Recreation vehicles include campers, travel trailers, motor homes or vans designed principally for recreational use.

**RESIDENTIAL CARE FACILITY** - a planned residential facility for persons of retirement age, which include residential dwelling units with communal dining, recreation areas, open space, parking and related facilities. This definition includes retirement homes, assisted or independent living facilities and similar uses.

**RESOURCE RECOVERY FACILITY** - a facility or land area that is used for any one (1) or a combination of the following:

1. **INCINERATOR** - a facility designed to reduce the solid waste stream by combustion. This use may or may not include heat exchange equipment for energy recovery.
2. **REFUSE DERIVED FUEL (RDF) FACILITY** – a facility for the extraction of materials from the municipal waste stream for recycling or for use as refuse derived fuel. (RDF is a fuel produced by shredding municipal solid waste).
3. **RECYCLING CENTER** - a facility designed and operated to receive, store, or process recyclable material which has been separated from all but residual household waste at the source. For the purposes of this ordinance, Recycling Center shall also mean “Drop-off bins located on public property.
4. **SOLID WASTE TRANSFER FACILITY** - a facility or station where municipal solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer facility may also include the separation and collection of material for the purpose of recycling.

**RESTAURANT, FAST FOOD** - an establishment that principally sells food, frozen deserts and nonalcoholic beverages in a ready- to-consume state primarily in disposable containers, in bags or on trays. The customer primarily orders and receives the food at an inside counter or outdoor drive-up or walk-up window without the assistance of a waiter or waitress. A cafeteria-style restaurant shall be considered a standard restaurant. This definition shall include a snack bar or ice cream stand with no inside seating facilities.

**RESTAURANT, SIT DOWN** - a restaurant that does not meet the definition of a fast food restaurant. This includes restaurants where the majority of the food is consumed within the restaurant at tables.

**RETAIL STORE** - a building in which retail merchandise is sold or rented, including a furniture store, a gift shop, and an establishment for the sale of automobile accessories. This shall not include an adult business use.

**RIPARIAN BUFFER** - a strip of land abutting to any stream or watercourse, within which woodland disturbances or land disturbances are limited.

**ROADSIDE PRODUCE MARKET OR STAND** - an accessory use for the sale of dairy, farm, greenhouse or nursery products.

**RURAL OCCUPATION** - an accessory use to a principal single-family detached dwelling in which the occupants engage in an occupation contained within an accessory building. Rural occupations shall include but not limited to crafts and trades such as carpenter, cabinet maker, machinist, plumber, electrician, upholsterer, printer, small engine repair, and metal working.

**SALDO** – the Brown Township Subdivision and Land Development Ordinance, as amended from time to time.

**SAWMILL** - a building, structure, or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis. The processing of timber may be from the property on which it is located, from abutting property or from other properties removed from the sawmill. This definition shall include temporary sawmill operations.

**SCHOOL, COMMERCIAL** – an educational facility offering a wide range of education or instructional activities including but not limited to, business and technical programs and artistic, dance, and musical training, and that may, or may not, be operated as a gainful business by some person or organization other than the public school district.

**SCHOOL, PRIVATE** - an educational facility offering kindergarten, elementary, secondary, post-secondary, post graduate, or any combination thereof, education that may or may not be operated as a gainful business.

**SCHOOL, PUBLIC** - an educational facility licensed by the Commonwealth, for the purpose of providing kindergarten, elementary, secondary, and adult education, and operated by the Mifflin County School District.

**SCHOOL, VOCATIONAL-MECHANICAL TRADE** - an educational facility that may or may not be operated as a gainful business that principally offers training in any of the following occupations: truck driving, engine repairs, building construction and general contracting, woodworking, masonry, plumbing, electrical contracting and other similar type uses.

**SCREENING** - The method by which the view of property owners in adjoining districts, or on adjoining lots, the structures and uses on the premises on which the screen planting is located is shielded, concealed or hidden. Screening techniques include evergreen and/or deciduous trees and bushes, hedges, walls, fences or earth berms of sufficient height and density. Plantings, including trees and shrubs, are typical of species and varieties native and/or grown in climatic conditions similar to local climatic conditions.

**SENIOR CITIZENS CENTER** – a building which is used to primarily provide at least three of the following activities, programs or services for the elderly: counseling, education, health, nursing, nutrition, recreation, referral, religious, self-development, or social welfare.

**SETBACK** - the required horizontal distance between a minimum setback line and a property or street right-of-way line.

**SETBACK, FRONT** - the distance between the street right-of-way line and the minimum required front setback line projected the full width of the lot.

**SETBACK, REAR** - the distance between the rear lot line and the minimum required rear setback line projected the full width of the lot.

**SETBACK, SIDE** - the distance between the side lot line and the minimum required side setback line projected the full depth of the lot.

**SETBACK LINE** - a line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance between some particular permitted use of property, building and/or structure and that property or street right-of-way line.

**SEWAGE DISPOSAL SYSTEM** - a system designed to collect, treat and dispose of sewage from users in compliance with regulations of the appropriate State agency and of the Township.

1. **OFF-SITE (CENTRALIZED) SEWAGE DISPOSAL SYSTEM** - a sewage disposal system which collects, treats and disposes sewage from more than one (1) dwelling, principal use or lot.
2. **ON-SITE (ON-LOT) SEWAGE DISPOSAL SYSTEM** - a sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

**SHOPPING CENTER or MALL** — a group of stores, offices, theaters, eating establishments, financial institutions, either free standing or attached, having an aggregate gross ground floor area of 10,000 square feet or more, planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. For the purposes of this Ordinance, a Strip Mall is a type of Shopping Center.

**SIGN** - a device for visual communications that is used to bring a subject to the attention of the public. Signs include: lettering, logos, trademarks, or other symbols located on a building or elsewhere on a property; signs attached to windows that are readily visible and intended to be seen by passersby; flags and insignia of any organization; banners; streamers, tinsel, pennants, spinners, reflectors, ribbons and similar materials; and inflatable objects. Signs do not include: architectural features; backlit awnings with no lettering, logos, or other symbols; signs within a buildings intended to be seen only within the building; and legal outdoor displays of merchandise. .

1. **AGRICULTURAL SIGN** – An identification sign for a farm, farm occupation, or accessory drive-in produce stand.
2. **ANIMATED SIGN** - a sign which uses movement or change of lighting to depict action or to create a visual effect or scene.
3. **BANNER** - a temporary identification sign of lightweight fabric or similar material that is attached at one (1) or more edges or corners to a pole or building, that advertises a special event including, but not limited to sales, going out of business, new management, grand openings, and events held by religious, charitable, and public service organizations..
4. **BILLBOARD** - an off-premises advertising sign either attached to a building or freestanding upon which images and/or messages are placed, consisting of either poster panels or painted bulletins with a sign area of greater than ten (10) square feet. The images and/or messages advertise businesses, products, services, or other messages that are not related to the property upon which the sign is placed.
5. **CHANGEABLE COPY SIGN** - a sign or portion thereof with characters or illustrations which can be changed or rearranged without altering the face or surface of the sign. A sign which shows the date, time, and/or temperature shall not be considered a changeable copy sign.
6. **CONTRACTOR SIGN** – a sign that carries the name and general information about a contractor performing work on the property on which the sign is located.
7. **DIRECTIONAL SIGN** – a sign that provides directional information to visitors of a property and contains no commercial messages.
8. **DOUBLE-FACE SIGN** - a structure with two (2) parallel sign faces oriented in opposite directions.
9. **FLASHING SIGN** - a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked change in lighting effects. Illuminated signs which indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing sign.
10. **FREE-STANDING SIGN** - an in-ground or surface-mounted identification sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.
11. **GOVERNMENT SIGN** – a sign owned by a government agency that provides a public service function including, but not limited to, traffic control, parking regulation, and street names.
12. **IDENTIFICATION SIGN** – a sign used to identify the name and display information about the individual, business, organization, agency, institution, facility, or development located on the same property as the sign.
13. **INFORMATIONAL SIGN** – a sign that provides general information to visitors of a property and contains no commercial messages.



14. **OFF-PREMISES SIGN** - a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.
15. **PORTABLE SIGN** - a sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A-frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.
16. **PROJECTING SIGN** - a sign which is attached to the facade of a building and extends more than one (1) foot, but not more than six (6) feet, from such facade.
17. **REAL ESTATE SIGN** – a sign that provides information about the sale, rental, or lease of the property, or portion thereof, on which the sign is located.
18. **RESIDENTIAL DEVELOPMENT SIGN** – an identification sign located near the entrance to a residential development.
19. **ROOF SIGN** – a sign erected or constructed on the roof of a building on which the sign is located with the top of the sign extending vertically no higher than the highest point of the portion of the roof to which it is attached.
20. **TEMPORARY SIGN** - a sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.
21. **WALL SIGN** - an identification sign that is attached to or painted on the wall, canopy, or façade of a principal building with the face of said sign extending no more than twelve (12) inches from the face of the wall.
22. **WINDOW SIGN** - a sign affixed to or visible through a window or transparent door from the exterior of a building.

**SIGN, GROSS SURFACE AREA OF** - the entire area within a single continuous perimeter composed of rectangles enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. More descriptive definitions are provided for freestanding and parallel signs.

**SOLAR COLLECTOR** – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**SPECIAL EXCEPTION** – the permission granted by the Township Zoning Hearing Board (ZHB) to conduct or maintain that type of use which is not permitted as of right in a particular Zoning District, but for which conditional provision in the District has been made and which may be permitted if the specific standards and criteria prescribed for the use by this Ordinance are found by the ZHB to have been met.

**SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** — activities listed below which are not permitted to be displayed for observation or participation by business patrons:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**STABLE OR RIDING ACADEMY, COMMERCIAL-** the commercial boarding or renting of horses.

**STORY (and HALF-STORY)** - that portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7) feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7) feet shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.

**STREET** - A strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private, but shall not include an alley

1. **FREEWAYS** - these are fully controlled access highways, with no at-grade intersections or driveway connections. Freeways are arterials that do not have standard intersections requiring traffic control devices such as stop signs and traffic signals.
2. **ARTERIALS** - this system carries long-distance major traffic flows between major activity centers such as towns and large shopping/employment centers. Arterials allow travel between regions and therefore, form the backbone of a roadway network. This class of road is designed to carry large volumes of traffic as efficiently as possible.
3. **COLLECTORS** - this system links local streets with the arterial street system. Collectors do what their name implies; they collect traffic from local roads and streets. Furthermore, they do not qualify for federal aid, but are funded through municipal liquid fuels tax revenues.
4. **LOCAL ROADS** - this system serves shorter local trips. Local roads primarily function to provide access to abutting land uses. These roads generally have low speed limits and low traffic volumes. Furthermore, they do not qualify for federal aid, but are funded through municipal liquid fuels tax revenues.

**STREET LINE** – the line defining the edge of a street, including curbs and sidewalks and not just the cartway. Commonly known as the "street right-of-way line."

**STREETSCAPE** - the appearance or view of a Street of the TND where buildings are placed close to the Street and features such as Façade s, porches, shop-fronts, Street trees, streetlights, sidewalks, fences, and awnings contribute to a cohesive character.

**STRUCTURE** - any manmade object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land or something located on the land but excluding patios, driveways, access drives, walkways and parking areas or other at-grade structures. The term "structure" shall include: buildings, signs, fences, walls, towers, swimming pools, porches,

garages and similar structure. "Structure" shall be interpreted as including the words "or part thereof." All structures must meet setback requirements.

1. ACCESSORY — a subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the structure.
2. PERMANENT — a structure which cannot readily be removed.
3. TEMPORARY — a structure which can readily be removed.

**SWIMMING POOL, RESIDENTIAL OR PRIVATE** - any structure that contains water over twenty-four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**TAVERN, BAR, PUB** - a building or part thereof, licensed by the Pennsylvania Liquor Control Board primarily engaged in the retail sale and the on-site consumption of alcoholic beverages by consenting adults. This definition includes, but is not limited to, beer gardens, cocktail lounges, saloons and taprooms. Restaurants that serve alcoholic beverages but are primarily engaged in the retail sale of prepared food are not included in this definition.

**TEMPORARY RETAIL SALES** – the offering of goods for sale to the public from a temporary structure or from a location out-of-doors where goods are not normally displayed as part of a permanent, ongoing retail establishment. Examples of temporary retail sales include the selling of flowers before and on holidays such as Easter and Mother's Day, the sale of fireworks on July 4, and Christmas tree sales.

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

**TOWNHOUSE** - see "dwelling, single-family attached dwelling."

**TOWNSHIP** – Brown Township, Mifflin County, Pennsylvania.

**TRACT** - an area of land which may comprise the entire area or subpart of a parcel. Individual "tracts" within a parcel of land shall not be constituted separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within parcels shall be considered descriptive only.

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT** - an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two (2) or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

**TRAILER CAMP** – a lot used or intended to be used for the seasonal accommodation of tourists or vacationers who camp on the premises in tents, trailers or other movable or temporary shelters, none of which are permanently affixed to the ground or a permanent foundation.

**TRAILER COURT** – See “Mobile Home Park” in the Township Subdivision and Land Development Ordinance.

**TRAVEL TRAILER** - see "recreation vehicle."

**TREE FARM (CROP)** - the raising and harvesting of trees for commercial purposes that were specifically planted for that purpose. This shall include a Christmas tree farm. See also the definition of "forestry."

**MOTOR FREIGHT TERMINAL** - an area or building that is the origin and/or destination point of short- and long-distance hauling and/or is used for the purpose of storing, transferring, loading and unloading, in addition to truck parking.

**TRUCK STOP, TRAVEL CENTER** - a facility, usually at the side of a major highway, where truck drivers and other travelers stop for fuel, often including a restaurant, sleeping and showering rooms, and a store selling basic items.

**USE** - the specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on thereon or therein.

1. **ACCESSORY USE** — a use customarily incidental and subordinate to the principal use or building and on the same lot with this principal use building.
2. **PRINCIPAL USE** — the main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

**VACATION HOME** – a single family dwelling which is intended only for seasonal occupancy, as distinguished from occupancy throughout the year.

**VARIANCE** - the modification granted by the Township Zoning Hearing Board to a prohibition or regulation of this Ordinance, in accordance with the substantive rules governing the grant or denial of a variance set forth in Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

**VETERINARIAN OFFICE** - see "animal hospital."

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

**WATER SUPPLY SYSTEM** - a system designed to transmit water from a source to users, in compliance with the requirements of the appropriate State agencies and the Township.

1. **CENTRALIZED WATER SUPPLY SYSTEM** - a water supply system which transmits water from a common source to more than one (1) dwelling, principal use or lot.
2. **ON-LOT WATER SUPPLY SYSTEM** - a water supply system which transmits water from a source on the lot to one (1) dwelling, principal use or lot.

**WETLAND** – any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the PA DEP, as amended. In the event that the definition of a wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the PA DEP, the more restrictive definition shall apply.

**WHOLESALE** - any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

**WIND ENERGY SYSTEM, SMALL** - a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**WOODLAND** – a tree mass or plant community in which tree species are dominant or co-dominant, and the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this Ordinance, the extent of any woodland plant community, or any part thereof, shall be measured from the outer-most drip line of all the trees within the community. Woodland shall include any area where timber has been harvested within the previous three (3) years, and/or woodland disturbance has occurred within the previous three (3) years, which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

**YARD** - an open space on the same lot with a structure, or a group of structures, which lies between the structure, or a group of structures, and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

1. **FRONT YARD** - a yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one (1) street other than an alley, the front yard requirements shall apply fronting each street, unless otherwise specified in this Ordinance.
2. **REAR YARD** - a yard extending the full width of the lot between a structure and a rear lot line.
3. **SIDE YARD** - a yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

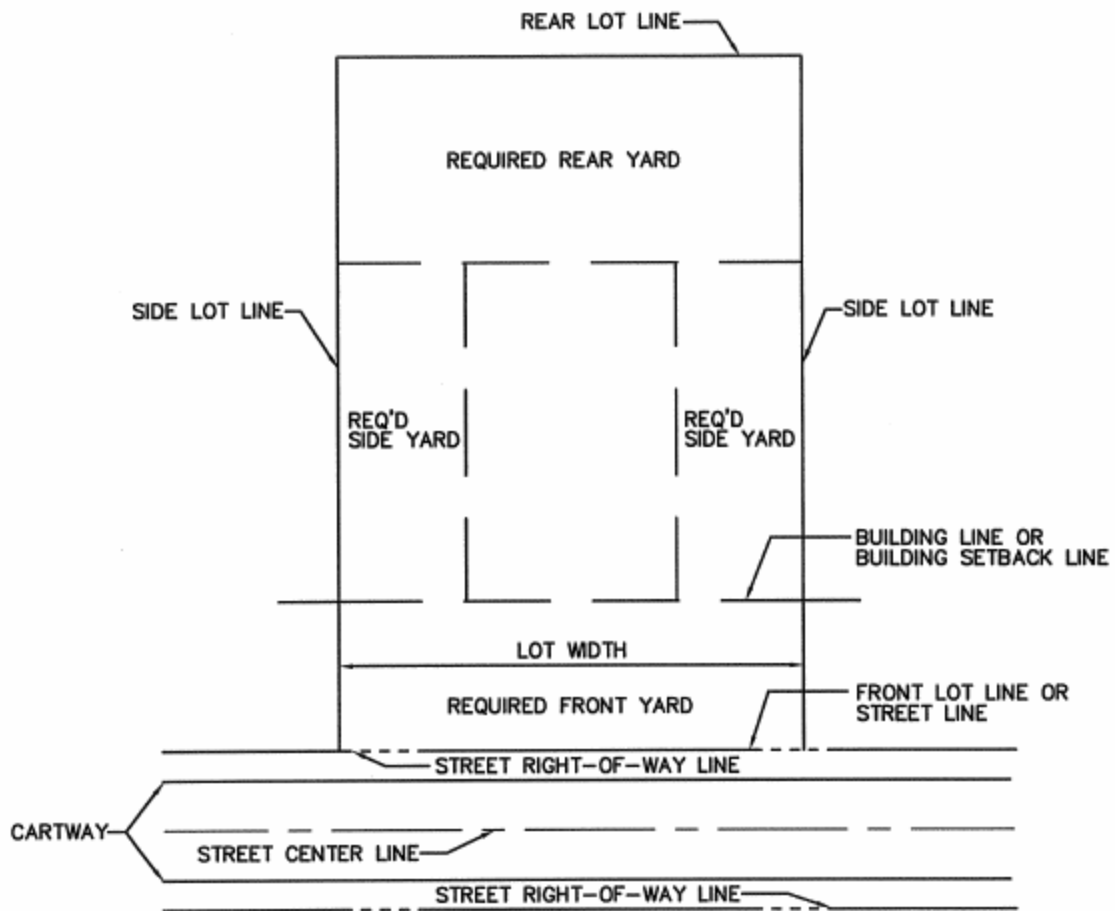
**ZONING DISTRICT** - see "district."

**ZONING HEARING BOARD, ZHB** – the Zoning Hearing Board of Brown Township, Mifflin County, Pennsylvania.

**ZONING MAP** – the Official Zoning Map of Brown Township which is an integral part of this Ordinance and which is kept on display at the Municipal office.

**ZONING OFFICER** - the administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**ZONING PERMIT** - a permit issued indicating that a proposed use, building or structure is in accordance with this Ordinance which authorizes an applicant to proceed with said use, building or structure.



## ARTICLE III

### DESIGNATION OF DISTRICTS

#### **SECTION 301 - Zoning Districts**

For the purpose of this Ordinance, the Township of Brown is hereby divided into districts which shall be designated as follows:

- |     |     |  |
|-----|-----|--|
| 1.  | A   | Agriculture                                  |
| 2.  | R-1 | Rural Residential District.                  |
| 3.  | R-2 | Single-Family Residential District.          |
| 4.  | R-3 | Suburban Residential District.               |
| 5.  | V-C | Village Center District.                     |
| 6.  | C   | Commercial District                          |
| 7.  | C-H | Commercial-Highway District                  |
| 8.  | I   | Industrial District                          |
| 9.  | TND | Traditional Neighborhood Development Overlay |
| 10. | PRD | Planned Residential Development Overlay      |
| 11. | NRP | Natural Resource Protection Overlays         |

#### **SECTION 302 - Zoning Map**

The boundaries of said districts shall be shown upon an Official Zoning Map made a part of this Ordinance and documents and mapping as delineated in Article XIV, Natural Resource Protection Overlays, and the Township's Floodplain Ordinance. The maps in the Floodplain Ordinance showing the limits of the F-P Floodplain Zone, and the Critical Environmental Areas Overlays, shall be considered overlay maps over the official zoning map. The maps and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if they were fully described herein.

#### **SECTION 303 - District Boundaries**

Where uncertainty exists as to boundaries of any district as shown on said Map, the following rules shall apply:

1. District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries, unless specifically shown otherwise.

3. In un-subdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Map.

**SECTION 304 - Interpretation of Boundaries**

1. The Zoning Officer shall interpret the intent of the Map as to location of district boundaries.
2. In cases where the Zoning Ordinance interpretation is disputed, the Zoning Hearing Board shall interpret district boundaries.



## ARTICLE IV

### A AGRICULTURAL DISTRICT

#### **SECTION 401 – Purpose**

The Agricultural District is established to preserve productive agricultural land and the character and quality of the rural environment by encouraging those land uses and activities which are agricultural in nature. This district is intended to discourage development from occurring on productive farm lands, including those designated as “prime” and those which are conducive to high crop yields. Also, the agricultural district seeks to protect agriculture from incompatible uses that may also interfere with normal and customary agricultural practices.

#### **SECTION 402 - Uses Permitted by Right**

Each of the following principal uses and their accessory uses are permitted by right in the Agricultural District, provided that the use type, dimensional and all other applicable requirements set forth in Article XIV of this Ordinance are satisfied:

1. Uses Permitted by Right:

- Agribusinesses including but not limited to greenhouses, dairies, equipment sales, feed mills and locker plants
- Agriculture
- Animal Hospital Large
- Cemetery
- Emergency Services
- Forestry
- Game & Fish Preserve
- House of Worship
- Hunting or Fishing Camp or Lodge, private, non-residential
- Municipal Building, Park or Playground
- Single Family Detached Dwelling,
- Stable and Riding Academy, Commercial
- Vacation Home
- Veterinarian Office

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Agricultural District only if such use complies with the applicable standards contained in Section 1503 of this Ordinance:

- Accessory Dwelling unit
- Alternative energy system
- Bed and breakfast
- Buildings and uses customarily incidental to a permitted principal use
- Family burial ground
- Family day care home
- Farm market
- Garage or Carport

- No impact home-based business
- Outdoor furnaces and heating devices
- Pool, Residential Swimming
- Roadside Produce Stand – Temporary Use
- Rural occupation
- Shed

### **SECTION 403 - Special Exception Uses**

Each of the following principal uses may be permitted in the Agricultural District by the Zoning Hearing Board in accordance with the standards contained in Section 1504 of this Ordinance:

1. Uses Permitted by Special Exception:

- Communication Antenna and/or Tower
- Camp, campground
- Community Center, Grange Hall
- Country Club
- Electric generation facility
- Fairgrounds
- Golf Course
- Group Home
- Home Occupation
- Intensive agriculture
- Kennel
- Landfill, Sanitary or Solid Waste Resource Recovery Plant
- Medical Center or Clinic
- Nature Preserve and Wildlife Sanctuary
- Nursing and Residential Care Facilities
- Public Utility including Sewage Pumping Station and Treatment Plant
- Sawmill & Planing Mill
- School, Public or Private
- Stockyard, Slaughterhouse

2. Accessory Uses. In addition to the Accessory Uses listed in Section 402.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Agricultural District only if such use complies with the standards contained in Section 1503 of this Ordinance.

### **SECTION 404 - Conditional Uses**

The following principal use and all accessory uses customarily incidental to the use may be permitted as a Conditional Use in the Agricultural District when authorized by the Board of Supervisors in accordance with the standards contained in Article XIV of this Ordinance and Article 5, Mobile Home Parks, of the Brown Township SALDO:

- Mobile (Manufactured) Home Park

**SECTION 405 - Limitations of Uses**

Owners, occupants and users of property, and any future inhabitants, within the Agricultural District should be prepared and willing to accept the inconveniences, discomfort, and the possibility of injury from normal agricultural operations and are hereby put on official notice that Section 4 of Act 133 of 1982, known as the Right to Farm Law (P.L.454, No. 133, “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances”), may bar them from obtaining a legal judgment against such normal agricultural operations.

**SECTION 406 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this Ordinance, or federal or state statutes, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. The following dimensional requirements shall apply to all uses in the Agricultural District, except as specifically provided for in this Ordinance:

**A. Agricultural Uses**

	<b>with public water and sewer</b>	<b>with public water or sewer</b>	<b>without public water and sewer</b>
<b>Minimum Lot Area</b>	<b>43, 560 sq. ft.</b>		
<b>Minimum Lot Width</b>	<b>200 feet</b>		
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>25%</b>		
<b>Maximum Building Height**</b>	<b>35 feet</b>		
<b>Front Yard Setback</b>	<b>25 feet</b>		
<b>Side Yard Setback (each)***</b>	<b>15 feet</b>		
<b>Rear Yard Setback</b>	<b>40 feet</b>		

**B. Residential Uses: (does not include hunting and fishing camps and lodges)**

	<b>with public water and sewer</b>	<b>with public water or sewer</b>	<b>without public water and sewer</b>
<b>Minimum Lot Area (sq. ft.)</b>	<b>20,000</b>	<b>30,000</b>	<b>43,560</b>
<b>Minimum Lot Width</b>	<b>100 feet</b>	<b>120 feet</b>	<b>150 feet</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>25%</b>		
<b>Maximum Building Height**</b>	<b>35 (feet)</b>		
<b>Front Yard Setback</b>	<b>See §406.2 below</b>		
<b>Side Yard Setback (each)***</b>	<b>15 feet</b>	<b>25 feet</b>	<b>25 feet</b>
<b>Rear Yard Setback</b>	<b>35 feet</b>	<b>40 feet</b>	<b>40 feet</b>

## C. All Other Uses:

	with public water and sewer	with public water or sewer	without public water and sewer
<b>Minimum Lot Area (sq. ft.)</b>	<b>25,000</b>	<b>40,000</b>	<b>60,000</b>
<b>Minimum Lot Width</b>	<b>100 feet</b>	<b>120 feet</b>	<b>200 feet</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>25%</b>		
<b>Maximum Building Height**</b>	<b>35 feet</b>		
<b>Front Yard Setback</b>	<b>See §406.2 below</b>		
<b>Side Yard Setback (each)***</b>	<b>15 feet</b>	<b>25 feet</b>	<b>25 feet</b>
<b>Rear Yard Setback</b>	<b>35 feet</b>	<b>40 feet</b>	<b>40 feet</b>

\* Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

\*\* The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures for all non-agricultural use shall not exceed the height of the principal building or twenty-five (25) feet, whichever is less.

\*\*\* In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on the street side shall not be less than the required front yard setback.

2. Minimum Front Yard Requirements. There shall be a front yard, the depth of which shall be determined by the classification of the street or road on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	50
Collector	35
Local	25

\* The depth at which the minimum lot width shall be measured.

3. The side setback and rear setback for accessory uses such as garages and carports, garden sheds and swimming pools may be reduced to six (6) feet subject to compliance with standards set forth in Section 1503 of this Ordinance.

### SECTION 407 – General Requirements for all Uses

1. Water and Sewage Facilities. All principal, uses within the Agricultural District shall be served by water and sewage facilities pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall comply with Article XIII of this Ordinance or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Agricultural District shall also comply with:

- A. Landscape Area. As further set forth in Article XV, there shall be provided on all non-agricultural lots in this district un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.
- B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.
- C. Off-Street Parking, Loading and Unloading. All uses in the Agricultural District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.
- D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.
- E. Environmental Performance Standards. All uses in the Agricultural District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

**Page Intentionally Blank**

## ARTICLE V

### R-1 RURAL RESIDENTIAL DISTRICT

#### **SECTION 501 - Purpose**

The Rural-Residential District is established to provide areas for the limited and orderly expansion of residential development of a rural density within the agricultural areas of the Township. The intent of this district is to encourage low density single-family dwellings on lots large enough to provide for both on-lot sewage disposal and water supply, while preserving agricultural uses and open space. It is a further intent of this district to exclude commercial or industrial activities not compatible with agricultural or residential development.

#### **SECTION 502 - Uses Permitted by Right**

Each of the following principal uses and their accessory uses are permitted by right in the Rural Residential District, provided that the use type, dimensional and all other applicable requirements set forth in Article XIV of this Ordinance are satisfied:

1. Uses Permitted by Right:

- Agriculture
- Cemetery
- Emergency Services
- Forestry
- House of Worship
- Municipal Building, Park or Playground
- Single Family Detached Dwelling,
- Vacation Home

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Rural Residential District only if such use complies with the applicable standards contained in Section 1503 of this Ordinance:

- Accessory Dwelling unit
- Alternative energy system
- Bed and breakfast
- Buildings and uses customarily incidental to a permitted principal use
- Family burial ground
- Family day care home
- Farm market
- Garage or Carport
- Horses as primary transportation
- No impact home-based business
- Outdoor furnaces and heating devices
- Roadside Produce Stand – Temporary Use
- Rural occupation
- Pool, Residential Swimming
- Shed

**SECTION 503 - Special Exception Uses**

Each of the following principal uses and their accessory uses may be permitted in the Rural Residential District by the Zoning Hearing Board in accordance with the standards contained in Section 1504 of this Ordinance:

1. Uses Permitted by Special Exception:

- Communication Antenna and/or Tower
- Club, Community Center, Grange Hall
- Group Home
- Home Occupation
- Nature Preserve and Wildlife Sanctuary
- Nursing Home and Residential Care Facilities
- Public Utility including Sewage Pumping Station and Treatment Plant
- Recreational Facilities

2. Accessory Uses. In addition to the Accessory Uses listed in Section 502.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Rural Residential District only if such use complies with the standards contained in Section 1503 of this Ordinance.

**SECTION 504 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this Ordinance, or federal or state statutes, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. Each of the following dimensional requirements shall apply to each use in the Rural Residential District, except as specifically provided for in this Ordinance:

A. Agricultural Uses:

	<b>with public water and sewer</b>	<b>with public water or sewer</b>	<b>without public water and sewer</b>
<b>Minimum Lot Area</b>	<b>43,560 sq. ft.</b>		
<b>Minimum Lot Width</b>	<b>200 feet</b>		
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>25%</b>		
<b>Maximum Building Height**</b>	<b>45 feet</b>		
<b>Front Yard Setback</b>	<b>25 feet</b>		
<b>Side Yard Setback (each)***</b>	<b>15 feet</b>		
<b>Rear Yard Setback</b>	<b>40 feet</b>		



## B. Residential Uses:

	with public water and sewer	with public water or sewer	without public water and sewer
<b>Minimum Lot Area (sq. ft.)</b>	<b>20,000</b>	<b>30,000</b>	<b>43,560</b>
<b>Minimum Lot Width (feet)</b>	<b>100</b>	<b>120</b>	<b>150</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>25%</b>		
<b>Maximum Building Height**</b>	<b>35 feet</b>		
<b>Front Yard Setback</b>	<b>See §504.2 below</b>		
<b>Side Yard Setback (feet, each)***</b>	<b>15</b>	<b>25</b>	<b>25</b>
<b>Rear Yard Setback (feet)</b>	<b>35</b>	<b>40</b>	<b>40</b>

## C. All Other Uses:

	with public water and sewer	with public water or sewer	without public water and sewer
<b>Minimum Lot Area (sq. ft.)</b>	<b>25,000</b>	<b>40,000</b>	<b>60,000</b>
<b>Minimum Lot Width (feet)</b>	<b>100</b>	<b>120</b>	<b>200</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>25%</b>		
<b>Maximum Building Height**</b>	<b>35 feet</b>		
<b>Front Yard Setback</b>	<b>See §504.2 below</b>		
<b>Side Yard Setback (feet, each)***</b>	<b>15</b>	<b>25</b>	<b>25</b>
<b>Rear Yard Setback (feet)</b>	<b>35</b>	<b>40</b>	<b>40</b>

\* Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

\*\* The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures for all non-agricultural use shall not exceed the height of the principal building or twenty-five (25) feet, whichever is less.

\*\*\* In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on the street side shall not be less than twenty-five (25) feet.

2. Minimum Front Yard Requirements. There shall be a front yard, the depth of which shall be determined by the classification of the street or road on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	50
Collector	35

Local	25
-------	----

\* The depth at which the minimum lot width shall be measured.

### **SECTION 505 – General Requirements for all Uses**

1. Water and Sewage Facilities. All principal, uses within the Rural Residential District shall be served by water and sewage facilities pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Rural Residential District shall also comply with:

- A. Landscape Area. As further set forth in Article XV, there shall be provided on all non-agricultural lots in this district un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.
- B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.
- C. Off-Street Parking, Loading and Unloading. All uses in the Rural Residential District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.
- D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.
- E. Environmental Performance Standards. All uses in the Rural Residential District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

## ARTICLE VI

### R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

#### **SECTION 601 - Purpose**

The Single-Family Residential District is established to provide areas for single-family detached dwellings at a low to moderate density in areas which are or have the potential for being served by public water and sewer facilities. The intent of this district is to encourage single-family dwellings on lots large enough to provide for both on-lot sewage disposal and water supply while providing for the opportunity to have somewhat smaller lots if public water and sewage facilities are provided off the lot. This district is also intended to provide for a limited proportion of two-family dwellings and public and civic uses.

#### **SECTION 602 - Uses Permitted by Right**

Each of the following principal uses and their accessory uses are permitted by right in the Single-Family Residential District, provided that the use type, dimensional and all other applicable requirements set forth in Article XIV of this Ordinance are satisfied:

##### 1. Uses Permitted by Right:

- Agriculture
- Cemetery
- Forestry
- Library
- House of Worship
- Municipal Building or Facility
- Municipal Park or Playground
- Senior Citizen Center
- Single Family Detached Dwelling
- Duplex (Single Family Semi Detached Dwelling or Two-family dwelling)
- Vacation Home

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Single Family Residential District only if such use complies with the applicable standards contained in Section 1503 of this Ordinance:

- Accessory Dwelling unit
- Alternative energy system
- Bed and breakfast
- Buildings and uses customarily incidental to a permitted principal use
- Family day care home
- Farm market – temporary use
- Garage or Carport
- Horses as primary transportation
- No impact home-based business
- Outdoor furnaces and heating devices
- Pool, Residential Swimming

- Shed

### **SECTION 603 - Special Exception Uses**

Each of the following principal uses and their accessory uses may be permitted in the Single-Family Residential District by the Zoning Hearing Board in accordance with the standards contained in Section 1504 of this Ordinance:

#### **1. Uses Permitted by Special Exception:**

- Community Center, Grange Hall
- Communication Antenna and/or Tower
- Emergency Services
- Group Home
- Home Occupation
- Life Care Community
- Medical Center or Clinic
- Nursing and Residential Care Facilities
- Public Utility
- Recreational Facilities
- School, Public or Private

2. Accessory Uses. In addition to the Accessory Uses listed in Section 602.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Single-Family Residential District only if such use complies with the standards contained in Section 1503 of this Ordinance.

### **SECTION 604 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this Ordinance, or federal or state statutes, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. The following dimensional requirements shall apply to all uses in the Single-Family Residential District, except as specifically provided for in this Ordinance:

#### **A. Single-family Detached Dwellings**

	<b>with public water and sewer</b>	<b>with public water or sewer</b>	<b>without public water and sewer</b>
<b>Minimum Lot Area (Sq. Ft.)</b>	<b>10,000</b>	<b>14,000</b>	<b>43,560</b>
<b>Minimum Lot Width (feet)</b>	<b>80</b>	<b>100</b>	<b>150</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>35%</b>		
<b>Maximum Building Height**</b>	<b>35 feet</b>		
<b>Front Yard Setback</b>	<b>See §604.2 below</b>		
<b>Side Yard Setback (one/both)***</b>	<b>10/25 feet</b>		
<b>Rear Yard Setback</b>	<b>30 feet</b>		

## B. Two-family Duplex Dwellings:

	<b>with public water and sewer</b>
<b>Minimum Lot Area (per unit, sq. ft.))</b>	<b>7,000</b>
<b>Minimum Lot Width (combined)</b>	<b>80 feet</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>
<b>Maximum Building Coverage</b>	<b>35%</b>
<b>Maximum Building Height**</b>	<b>35 feet</b>
<b>Front Yard Setback</b>	<b>See §604.2 below</b>
<b>Side Yard Setback***</b>	<b>10 feet</b>
<b>Rear Yard Setback</b>	<b>30 feet</b>

## C. All Other Uses:

	<b>with public water and sewer</b>	<b>with public water or sewer</b>	<b>without public water and sewer</b>
<b>Minimum Lot Area (sq. ft.)</b>	<b>25,000</b>	<b>43,560</b>	<b>60,000</b>
<b>Minimum Lot Width (feet)</b>	<b>100</b>	<b>120</b>	<b>200</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>35%</b>		
<b>Maximum Building Height**</b>	<b>35 feet</b>		
<b>Front Yard Setback</b>	<b>See §604.2 below</b>		
<b>Side Yard Setback (each)***</b>	<b>15 feet</b>		
<b>Rear Yard Setback</b>	<b>35 feet</b>		

\* Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

\*\* The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures for all non-agricultural use shall not exceed the height of the principal building or twenty-five (25) feet, whichever is less.

\*\*\* In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on the street side shall not be less than twenty-five (25) feet. For Duplex dwellings, the side yard setback for the portion of the dwelling with a common wall is reduced to zero.

2. Minimum Front Yard Requirements. There shall be a front yard, the depth of which shall be determined by the classification of the street or road on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	50
Collector	35
Local	25

\* The depth at which the minimum lot width shall be measured.

**SECTION 605 – General Requirements for all Uses**

1. Water and Sewage Facilities. All principal, uses within the Single-Family Residential District shall be served by water and sewage facilities pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Single Family Residential District shall also comply with:

- A. Landscape Area. As further set forth in Article XV, there shall be provided on all non-agricultural lots in this district un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.
- B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.
- C. Off-Street Parking, Loading and Unloading. All uses in the Single-Family Residential District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.
- D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.
- E. Environmental Performance Standards. All uses in the Single-Family Residential District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

## ARTICLE VII

### R-3 SUBURBAN RESIDENTIAL DISTRICT

#### **SECTION 701 - Purpose**

The purpose of the Suburban Residential zoning district is to provide areas for an orderly expansion of suburban type residential development in areas which are served by public water and sewer. This district is intended to provide for a variety of housing types at moderate to high densities, and permit neighborhood oriented civic uses while excluding any activities not compatible with suburban-type residential development.

#### **SECTION 702 - Uses Permitted by Right**

Each of the following principal uses and their accessory uses are permitted by right in the Suburban Residential District, provided that the use type, dimensional and all other applicable requirements set forth in Article XIV of this Ordinance are satisfied:

1. Uses Permitted by Right:

- Forestry
- House of Worship
- Municipal Building or Facility
- Municipal Park or Playground
- Multi-family Dwelling, including Garden Apartments and Low –rise apartment buildings
- Senior Citizen Center
- Single Family Attached Dwelling
- Single Family Detached Dwelling
- Two Family Duplex Dwelling

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Suburban Residential District only if such use complies with the applicable standards contained in Section 1503 of this Ordinance

- Accessory Dwelling unit
- Alternative energy system
- Bed and breakfast
- Buildings and uses customarily incidental to a permitted principal use
- Family day care home
- Farm market
- Garage or Carport
- No impact home-based business
- Pool, Residential Swimming
- Shed

#### **SECTION 703 - Special Exception Uses**

Each of the following principal uses and their accessory uses may be permitted in the Suburban Residential District by the Zoning Hearing Board in accordance with the standards contained in Section 1504 of this Ordinance:

## 1. Uses Permitted by Special Exception:

- Club, Community Center, Grange Hall
- Emergency Services
- Group Home
- Home Occupation
- Medical Center or Clinic
- Nursing Home and Residential Care Facilities
- Public Utility including Sewage Pumping Station and Treatment Plant
- Recreational Facilities

2. Accessory Uses. In addition to the Accessory Uses listed in Section 702.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Suburban Residential District only if such use complies with the standards contained in Section 1503 of this Ordinance.

**SECTION 704 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this Ordinance or federal or state statutes, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. The following dimensional requirements shall apply to all uses in the Suburban Residential District, except as specifically provided for in this Ordinance:

## A. Residential Uses on lots with public water and sewer:

	<b>Single-family Detached</b>	<b>Duplex (Two-family or Semi-detached)</b>	<b>Single-family attached (per unit)</b>	<b>Multi-family</b>
<b>Minimum Lot Area (sq. ft.)</b>	<b>7,000</b>	<b>5,000 per unit</b>	<b>2,000</b>	<b>2,500 per unit</b>
<b>Minimum Lot Width (feet)</b>	<b>70</b>	<b>70</b>	<b>20</b>	<b>200</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>			
<b>Maximum Building Coverage</b>	<b>50%</b>			
<b>Maximum Building Height**</b>	<b>35 feet</b>			<b>40 feet</b>
<b>Front Yard Setback</b>	<b>See §704.2 below</b>			
<b>Side Yard Setback ***</b>	<b>5 feet one side 15 feet combined</b>		<b>15 feet</b>	<b>15 feet</b>
<b>Rear Yard Setback</b>	<b>25 feet</b>			



## B. Residential Uses on lots with public water or sewer:

<b>Minimum Lot Area (square feet)</b>	<b>30,000</b>
<b>Minimum Lot Width (feet)</b>	<b>150</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>
<b>Maximum Building Coverage</b>	<b>50%</b>
<b>Maximum Building Height**</b>	<b>35 feet</b>
<b>Front Yard Setback</b>	<b>See §704.2 below</b>
<b>Side Yard Setback (one/both)***</b>	<b>5/15 feet</b>
<b>Rear Yard Setback</b>	<b>25 feet</b>

## C. Residential Uses on lots without public water and sewer:

Minimum Lot Area (Sq. Ft.)	43,560
Minimum Lot Width (feet)	150
Maximum Lot Coverage*	70%
Maximum Building Coverage	50%
Maximum Building Height**	35 feet
Front Yard Setback	See §704.2 below
Side Yard Setback (one/both)***	5/15 feet
Rear Yard Setback	30 feet

## D. All Other Uses:

	<b>with public water and sewer</b>	<b>with public water or sewer</b>	<b>without public water and sewer</b>
Minimum Lot Area (square feet)	25,000	40,000	60,000
Minimum Lot Width (feet)	100	120	200
Maximum Lot Coverage*	70%		
Maximum Building Coverage	50%		
Maximum Building Height**	35 feet		
Front Yard Setback	See §704.2 below		
Side Yard Setback (each)***	15 feet		
Rear Yard Setback	35 feet		

- \* Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).
- \*\* The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or twenty-five (25) feet, whichever is less.
- \*\*\* In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on the street side shall not be less than fifteen (15) feet. For Single-family Semi-detached and

Attached Dwellings only, the side yard setback for the portion of the dwelling with a common wall is reduced to zero.

## 2. Minimum Front Yard Requirements.

A. There shall be a front yard, the depth of which shall be determined by the classification of the street or road on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	35
Collector	25
Local	15

\* The depth at which the minimum lot width shall be measured.

B. Front Yard Exception. By administrative review by the Zoning Officer, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within one hundred (100) feet of the proposed building.

## SECTION 705 – General Requirements for all Uses

1. Water and Sewage Facilities. All principal uses within the Suburban Residential District shall be served by water and sewage facilities pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Suburban Residential District shall also comply with:

- A. Landscape Area. As further set forth in Article XV, there shall be provided on all lots in this district un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.
- B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Ordinance shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.
- C. Off-Street Parking, Loading and Unloading. All uses in the Suburban Residential District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.

D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.

E. Environmental Performance Standards. All uses in the Suburban Residential District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

**Page Intentionally Blank**

## ARTICLE VIII

### V-C VILLAGE CENTER DISTRICT

#### **SECTION 801 - Purpose**

The Village Center District is established to provide areas for the continuation of successful mixed-use areas where both residential uses and compatible small-scale businesses can thrive. The intent of this district is to permit variety of housing single-family and multi-family residential uses, neighborhood-oriented businesses, and low intensity commercial uses orderly in a pedestrian friendly setting.

#### **SECTION 802 - Uses Permitted by Right**

Each of the following principal uses and their accessory uses are permitted by right in the Village Center District, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Uses Permitted by Right:

- Barber or Beauty Shop
- Bed & Breakfast
- Club, Community Center, Grange Hall
- Hardware Store
- House of Worship
- Government Facility
- Library
- Medical Office or Clinic
- Mixed Use/Mixed Occupancy Building
- Multiple Use Building
- Municipal Building or Facility
- Municipal Park or Playground
- Multi-family Dwelling, including Garden Apartments
- Neighborhood Grocery Store
- Personal Services
- Restaurant, Sit down
- Retail Store
- Senior Citizen Center
- Single Family Attached Dwelling
- Single Family Detached Dwelling
- Single-family Semi-detached Dwelling
- Two Family Duplex Dwelling
- Tavern, Bar, Pub

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Village Center District only if such use complies with the applicable standards contained in Section 1503 of this Ordinance:

- Accessory Dwelling unit

- Alternative energy system
- Buildings and uses customarily incidental to a permitted principal use
- Family day care home
- Garage or Carport
- No impact home-based business
- Pool, Residential Swimming
- Shed

### **SECTION 803 - Special Exception Uses**

Each of the following principal uses and their accessory uses may be permitted in the Village District by the Zoning Hearing Board in accordance with the standards contained in Section 1504 of this Ordinance:

#### **1. Uses Permitted by Special Exception:**

- Amusement Establishment
- Apartment House
- Boarding House, Rooming House
- Business Office
- Child Day Care Center
- Communication Antenna and/or Tower
- Convenience Store
- Conversion Apartment House
- Emergency Services
- Financial Institution
- Fitness/Health Center
- Funeral Home
- Group Home
- Home occupation
- Laundry and/or Dry Cleaning
- Museum
- Nursing Home and Residential Care Facilities
- Office, Professional
- Parking Facilities
- Private Parking Lot
- Public Utility
- Recreational Facility
- School, Commercial
- School, Public or Private
- Theater
- Veterinary office or animal hospital

2. Accessory Uses. Buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Village Center District only if such use complies with the standards contained in Section 1503 of this Ordinance.

**SECTION 804 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this Ordinance, or federal or state statutes, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. The following dimensional requirements shall apply to all uses in the Village Center District, except as specifically provided for in this Ordinance:

**A. Residential Uses:**

	Single-family Detached	Duplex (Two-family or Semi-detached	Single-family attached (per unit)	Multi-family
Minimum Lot Area (sq. ft.)	3,000	6,000	2,000	2,500 per unit
Minimum Lot Width	30 feet	60 feet	20 <sup>(1)</sup> feet	200 feet
Maximum Lot Coverage*	70%			
Maximum Building Coverage	No Maximum Building Coverage			
Maximum Building Height**	35 feet			
Front Yard Setback	See §804.2 below			
Side Yard Setback ***	5 feet	5 feet <sup>(2)</sup>		15 feet each side
Rear Yard Setback	25 feet			

**B. Non-residential Uses:**

	<b>Commercial Uses</b>	<b>Institutional Uses</b>	<b>Other Uses</b>
<b>Minimum Lot Area (square feet)</b>	<b>6,000</b>	<b>15,000</b>	<b>25,000</b>
<b>Minimum Lot Width (feet)</b>	<b>40</b>	<b>100</b>	<b>100</b>
<b>Maximum Lot Coverage*</b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>No Maximum Building Coverage</b>		
<b>Maximum Building Height**</b>	<b>40 feet</b>		
<b>Front Yard Setback</b>	<b>See §804.2 below</b>		
<b>Side Yard Setback***</b>	<b>5 feet one side; 15 feet combined</b>		
<b>Rear Yard Setback</b>	<b>25 feet<sup>(3)</sup></b>		

Notes: (1) Minimum Lot Width for end unit of Single-family attached Dwellings shall be thirty (30) feet.

(2) For Single-family Semi-detached and Attached Dwellings only, the side yard setback for the portion of the dwelling with a common wall is reduced to zero.

(3) Where the rear yard of non-residential uses abuts a service alley the rear yard setback may be reduced to five (5) feet.

\* Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

\*\* The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or twenty-five (25) feet, whichever is less.

\*\*\* In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on the street side shall not be less than ten (10) feet.

2. Front Yard Exception. By administrative review by the Zoning Officer, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within one hundred (100) feet of the proposed building.

### **SECTION 805 – General Requirements for all Uses**

1. Water and Sewage Facilities. All principal uses within this zoning district shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

A. Steep Slope Protection Overlay

B. Streams and Surface Water Protection Overlay

C. Wetlands Protection Overlay

D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Village Center District shall also comply with:

A. Landscape Area. As further set forth in Article XV, there shall be provided on all lots in the Village Center District un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.

B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.

C. Off-Street Parking, Loading and Unloading. All uses in the Village Center District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.

D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.



E. Environmental Performance Standards. All uses in the Village Center District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

**Page Intentionally Blank**

**ARTICLE IX**  
**C COMMERCIAL DISTRICT**

**SECTION 901 - Purpose**

The Commercial District is established to provide areas for the development of restricted retail and business uses which have minimal impact on surrounding properties. This district is intended to permit a broad range of commercial, business, retail and service uses of a local and regional nature. It is further the intent of this district to limit the impact such non-residential uses have on adjacent residential and agricultural areas.

**SECTION 902 - Uses Permitted by Right.**

Each of the following principal uses and their accessory uses are permitted by right in the Commercial District, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

**1. Uses Permitted by Right:**

- Automobile and Motor Vehicle sales
- Automobile Service and Repair Station
- Barber or Beauty Shop
- Business Office
- Child Day Care Facilities
- Convenience Store
- Emergency Services
- Farm Supplies and Equipment Sales
- Financial Institution
- Government Facility
- Group Home
- Fitness/Health Center
- Funeral Home
- Hotel
- House of Worship
- Laundry/Dry Cleaning
- Lumber Yard; Home and Building Supply Center
- Massage Therapy
- Medical Office or Clinic
- Mini-storage/Self-Storage Facility
- Mixed Use/Mixed Occupancy Building
- Motel
- Multiple Use Building
- Municipal Building or Facility
- Museum
- Newspaper; Printing and Publishing
- Nightclub
- Nursing Home and Residential Care Facilities

- Office, Professional
- Off Track Betting Parlor
- Parking Facilities
- Passenger Terminal
- Postal and Courier Services
- Private Parking Lot
- Personal Services
- Recreation Facility
- Restaurant, Fast Food
- Restaurant, Sit Down
- Retail Store
- School, Commercial
- Tavern, Bar, Pub
- Theater
- Veterinarian; Animal Hospital
- Warehouse and Storage (Locker Plant)

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Commercial District only if such use complies with the relevant standards contained in this Ordinance:

- Accessory Dwelling unit
- Alternative energy system
- Buildings and uses customarily incidental to a permitted principal use
- Family Day Care Home
- Garage or Carport
- Home Occupation
- No impact home-based business
- Shed, Garden or Tool
- Swimming Pool

### **SECTION 903 - Special Exception Uses.**

Each of the following principal uses and their accessory uses may be permitted in the Commercial District by the Zoning Hearing Board in accordance with the standards contained in this Ordinance:

1. Uses Permitted by Special Exception:

- Amusement Establishment
- Boarding House, Rooming House
- Communication Tower
- Home Occupation
- Hospital
- Kennel
- Manufacturing, Light
- Methadone Treatment Facility
- Multi-Family Dwelling
- Public Utility

- School, Vocational-Mechanical-Trade
- Shopping Center
- Single-Family Attached Dwelling
- Single-Family Detached Dwelling
- Two-Family or Semi-detached Dwelling
- Warehousing and Wholesale Distribution Center
- Wind Energy System, Small

2. Accessory Uses. In addition to the Accessory Uses listed in Section 902.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Commercial District only if such use complies with the standards contained in this Ordinance.

### **SECTION 904 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this Ordinance, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. Each of the following dimensional requirements shall apply to each use in the Commercial District, except as specifically provided for in this Ordinance:

A. Residential Uses shall conform to the dimensional requirements for Residential Uses set forth in Article VII, R-3 Suburban Residential District, §704.1.A and B.

B. All Other Uses:

	<b>with centralized water and sewer</b>	<b>with centralized water or sewer</b>	<b>Without centralized water and sewer</b>
<b>Minimum Lot Area (sq. ft.)</b>	<b>20,000</b>	<b>30,000</b>	<b>60,000</b>
<b>Minimum Lot Width (sq. ft.)</b>	<b>100</b>	<b>120</b>	<b>200</b>
<b>Maximum Lot Coverage<sup>(1)</sup></b>	<b>70%</b>		
<b>Maximum Building Coverage</b>	<b>No Maximum Building Coverage</b>		
<b>Maximum Building Height<sup>(2)</sup> (ft.)</b>	<b>40</b>		
<b>Front Yard Setback (ft.)</b>	<b>See §904.2 below</b>		
<b>Side Yard Setback<sup>(3)</sup> (each) (ft.)</b>	<b>15</b>	<b>15</b>	<b>25</b>
<b>Rear Yard Setback<sup>(4)</sup> (ft.)</b>	<b>40</b>	<b>40</b>	<b>40</b>

Notes: (1) Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

(2) The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

(3) In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on both street sides shall not be less than forty (40) feet.

(4) Where the rear yard of non-residential uses abuts a service alley the rear yard setback may be reduced to five (5) feet.

## 2. Minimum Front Yard Requirements.

A. There shall be a front yard, the depth of which shall be determined by the type of street on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	60
Collector	50
Local	40

\* The depth at which the minimum lot width shall be measured.

B. Front Yard Exception. By administrative review by the Zoning Officer, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within one hundred (100) feet of the proposed building.

## SECTION 905 – General Requirements for all Uses

1. Water and Sewage Facilities. All principal uses within this zoning district shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Commercial District shall also comply with:

A. Landscape Area. As further set forth in Article XV, there shall be provided on all lots in the Commercial District un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.

B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.

C. Off-Street Parking, Loading and Unloading. All uses in the Commercial District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.

D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.

E. Environmental Performance Standards. All uses in the Commercial District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

**Page Intentionally Blank**



## ARTICLE X

### C-H COMMERCIAL HIGHWAY DISTRICT

#### **SECTION 1001 - Purpose**

The Commercial Highway District is established to provide areas for businesses that require access to major highways and whose intensity is incompatible with residential areas of the Township. The intent of this district is to permit highway-oriented commercial, light-industrial, and warehousing and distribution uses along arterial roadways in areas where similar uses already exist and where the character of undeveloped land allows further development of such uses.

#### **SECTION 1002 - Uses Permitted by Right.**

Each of the following principal uses and their accessory uses are permitted by right in the Commercial Highway District, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

##### **1. Uses Permitted by Right:**

- Amusement Establishment
- Automobile and Motor Vehicle sales
- Automobile Service and Repair Station
- Boarding House, Rooming House
- Business Office
- Carwash
- Child Day Care Facilities
- Convenience Store
- Emergency Services
- Farm market
- Farm Supplies and Equipment Sales
- Financial institution
- Fitness/Health Center
- Government Facility
- Group Home
- Hotel
- House of Worship
- Laundry/Dry Cleaning
- Lumber Yard; Home and Building Supply Center
- Manufacturing, Light
- Medical Office or Clinic
- Mini-storage/Self-Storage Facility
- Mixed Use/Mixed Occupancy Building
- Motor Freight Terminal
- Multi-Family Dwelling
- Municipal Building or Facility
- Newspaper; Printing and Publishing

- Nightclub
- Office, Professional
- Off Track Betting Parlor
- Parking Facilities
- Passenger Transportation Terminal
- Personal Services
- Postal and Courier Services
- Private Parking Lot
- Recreational Facility
- Restaurant, Fast Food
- Restaurant, Sit Down
- Retail Store
- School, Commercial
- Tavern, Bar, Pub
- Theater
- Veterinarian; Animal Hospital
- Warehouse and Storage (Locker Plant)
- Warehousing and Wholesale Distribution Center

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Commercial Highway District only if such use complies with the applicable standards contained in this Ordinance:

- Accessory Dwelling unit
- Alternative energy system
- Buildings and uses customarily incidental to a permitted principal use
- Family day care home
- Garage or Carport
- No impact home-based business
- Outdoor Furnaces and Heating Devices
- Shed
- Swimming Pool

### **SECTION 1003 - Special Exception Uses.**

Each of the following principal uses and their accessory uses may be permitted in the Commercial Highway District by the Zoning Hearing Board in accordance with the standards contained in this Ordinance:

1. Uses Permitted by Special Exception:

- Adult Oriented Business
- Communication Tower
- Crematorium
- Electric Generating Facility
- Home occupation
- Hospital
- Junkyard; Auto Recycling Center

- Massage Parlor
- Public Utility
- School, Vocational-Mechanical-Trade
- Shopping Center
- Single-Family Attached Dwelling
- Single-Family Detached Dwelling
- Two-Family or Semi-detached Dwelling
- Wind Energy System, Small

2. Accessory Uses. In addition to the Accessory Uses listed in Section 1002.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Commercial Highway District only if such use complies with the standards contained in this Ordinance.

### **SECTION 1004 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this Ordinance, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. Each of the following dimensional requirements shall apply to each use in the Commercial Highway District, except as specifically provided for in this Ordinance:

A. Residential Uses shall conform to the dimensional requirements for Residential Uses set forth in Article VII, R-3 Suburban Residential District, §704.1.A and B.

B. All Other Uses:

<b>Minimum Lot Area (sq. ft.)</b>	<b>45,000</b>
<b>Minimum Lot Width (sq. ft.)</b>	<b>200</b>
<b>Maximum Lot Coverage<sup>(1)</sup></b>	<b>70%</b>
<b>Maximum Building Coverage</b>	<b>No Maximum</b>
<b>Maximum Building Height<sup>(2)</sup> (ft.)</b>	<b>40</b>
<b>Front Yard Setback (ft.)</b>	<b>See §1004.2 below</b>
<b>Side Yard Setback<sup>(3)</sup> (each) (ft.)</b>	<b>25</b>
<b>Rear Yard Setback (ft.)</b>	<b>40</b>

Notes:

(1) Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

(2) The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

(3) In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on both street sides shall not be less than forty (40) feet.

## 2. Minimum Front Yard Requirements.

A. There shall be a front yard, the depth of which shall be determined by the type of street on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	60
Collector	50
Local	40

\* The depth at which the minimum lot width shall be measured.

B. Front Yard Exception. By administrative review by the Zoning Officer, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within one hundred (100) feet of the proposed building.

### **SECTION 1005 – General Requirements for all Uses**

1. Water and Sewage Facilities. All principal uses within this zoning district shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Commercial Highway District shall also comply with:

- A. Landscape Area. As further set forth in Article XV, there shall be provided on all lots in the Commercial Highway District un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.
- B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.
- C. Off-Street Parking, Loading and Unloading. All uses in the Commercial Highway District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.
- D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.

E. Environmental Performance Standards. All uses in the Commercial Highway District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

**Page Intentionally Blank**

## ARTICLE XI

### I INDUSTRIAL DISTRICT

#### **SECTION 1101 - Purpose**

The Industrial District is established to provide areas for a variety of intensive commercial and manufacturing uses and processing activities. This district is intended to avoid significant adverse impacts on surrounding lands regarding odors, noise, glare, and vibration.

#### **SECTION 1102 - Uses Permitted by Right.**

Each of the following principal uses and their accessory uses are permitted by right in the Industrial District, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Uses Permitted by Right:

- Airport/Airstrip
- Automobile and Motor Vehicle sales
- Automobile Service and Repair Station
- Carwash
- Convenience Store
- Emergency Services
- Farm Supplies and Equipment Sales
- Government Facility
- Heliport/Helipad
- Hospital
- Lumber Yard; Home and Building Supply Center
- Manufacturing, Light
- Medical Office or Clinic
- Mini-storage/Self-Storage Facility
- Municipal Building or Facility
- Newspaper; Printing and Publishing
- Office, Professional
- Postal and Courier Services
- Restaurant, Fast Food
- Sawmill
- Warehouse and Storage (Locker Plant)
- Warehousing and Wholesale Distribution Center
- Veterinary Office

2. Accessory Uses. Each of the following accessory uses shall be permitted in the Industrial District only if such use complies with the applicable standards contained in this Ordinance:

- Alternative energy system
- Buildings and uses customarily incidental to a permitted principal use
- Outdoor Furnaces and Heating Devices
- Shed

**SECTION 1103 - Special Exception Uses.**

Each of the following principal uses and their accessory uses may be permitted in the Industrial District by the Zoning Hearing Board in accordance with the standards contained in this Ordinance:

1. Uses Permitted by Special Exception:

- Amusement Establishment
- Communication Tower
- Correctional or Penal Institution
- Crematorium
- Electric Generating Facility
- Government Facility
- Junkyard; Auto Recycling Center
- Kennel
- Landfill, Sanitary; Resource Recovery Facility
- Manufacturing, Heavy
- Mineral Extraction or Recovery Facility
- Motor Freight Terminal
- Parking Facilities
- Passenger Transportation Terminal
- Private Parking Lot
- Public Utility
- Wind Energy System, Small

2. Accessory Uses. In addition to the Accessory Uses listed in Section 1102.2 above, buildings and uses customarily incidental to a principal use permitted as a special exception shall be permitted in the Industrial District only if such use complies with the standards contained in this Ordinance.

**SECTION 1104 – Area and Bulk Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this Ordinance, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. Lot and Building Regulations. Each of the following dimensional requirements shall apply to each use in the Industrial District, except as specifically provided for in this Ordinance:

A. All Uses:

<b>Minimum Lot Area (sq. ft.)</b>	<b>45,000</b>
<b>Minimum Lot Width (sq. ft.)</b>	<b>200</b>
<b>Maximum Lot Coverage<sup>(1)</sup></b>	<b>70%</b>
<b>Maximum Building Coverage</b>	<b>No Maximum</b>
<b>Maximum Building Height<sup>(2)</sup> (ft.)</b>	<b>50</b>
<b>Front Yard Setback (ft.)</b>	<b>See §1104.2 below</b>
<b>Side Yard Setback<sup>(3)</sup> (each) (ft.)</b>	<b>25</b>
<b>Rear Yard Setback (ft.)</b>	<b>40</b>



## Notes:

- (1) Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).
- (2) The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.
- (3) In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on both street sides shall not be less than forty (40) feet.

## 2. Minimum Front Yard Requirements.

A. There shall be a front yard, the depth of which shall be determined by the type of street on which the principal building or the principal use will front:

Street Type	Front Yard* (feet)
Arterial	60
Collector	50
Local	40

\* The depth at which the minimum lot width shall be measured.

B. Front Yard Exception. By administrative review by the Zoning Officer, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within one hundred (100) feet of the proposed building.

**SECTION 1105 – General Requirements for all Uses**

1. Water and Sewage Facilities. All principal uses within this zoning district shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIII or the Brown Township Floodplain Ordinance:

- A. Steep Slope Protection Overlay
- B. Streams and Surface Water Protection Overlay
- C. Wetlands Protection Overlay
- D. Floodplain Protection Overlay

3. Standards for Uses. In addition to the standards set forth in this Article, all uses permitted within the Industrial District shall also comply with:

A. Landscape Area. As further set forth in Article XV, there shall be provided on all lots in the Industrial District un-surfaced, open and pervious spaces which are designed to

catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.

B. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as set forth in Article XV of this Ordinance.

C. Off-Street Parking, Loading and Unloading. All uses in the Industrial District shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.

D. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVIII of this Ordinance.

E. Environmental Performance Standards. All uses in the Industrial District shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

## ARTICLE XII

### TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY ZONE

#### **SECTION 1201 - Purpose and Intent.**

1. Article VII - A of the Municipalities Planning Code, 53 P.S. §10101 et seq., as amended, grants power to and encourages the Township to amend its Zoning Ordinance to include Traditional Neighborhood Developments (“TND”). The purpose of this TND Overlay Zone is to provide an option to developers primarily intended to:

- A. Encourage new development to occur in a manner that will be consistent with the traditional patterns and scale of development and mix of uses that occurred in Brown Township before 1946;
- B. Promote a mix of diverse but compatible types of neighborhood development;
- C. Avoid sprawled and inefficient patterns of development that would be inconsistent with the character of the community being developed;
- D. Encourage a blending of recreation areas, preserved natural features, compatible institutional uses, and a mix of housing, including housing intended to be affordable to middle - income persons;
- E. Provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks;
- F. Encourage persons to live, work, shop, attend religious services and enjoy recreation within the Township;
- G. Encourage the creation of a sense of place, feelings, of belonging and a community spirit that promotes social interaction and volunteerism;
- H. Encourage the location of places of worship and other principal non - residential uses with distinguished architectural features at prominent locations around a Central Commons, to serve as a focal point for the TND;
- I. Allow for the development of fully integrated, mixed - use pedestrian - oriented neighborhoods;
- J. Encourage innovations in residential, nonresidential and mixed use forms of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of Dwellings and other buildings and structures and by the conservation and more efficient use of Open Space ancillary to said Dwellings and uses;
- K. Encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses; and,
- L. Insure that the increased flexibility of regulations over land development authorized is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

2. This TND Overlay Zone provides a set of design standards that seek to achieve a “Traditional Neighborhood”- type setting that is characteristic of much of Brown Township’s, Mifflin County’s and central Pennsylvania’s built environment and heritage. All of the design standards of this Zone are vital if the “Traditional Neighborhood ” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as optional “overlay” regulations with substantial density bonuses, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

3. The substantial density bonuses have been provided to offset the increased costs of providing a “high-quality” development that features historic building and streetscape design, abundant and diverse native landscape materials, and other streetscape and public amenities often overlooked within contemporary suburban neighborhoods.

4. It is the further intent of the Board of Township Supervisors to encourage flexibility, economy and ingenuity in the development of TNDs within the Township. To this end, the Board of Township Supervisors shall permit the developer to modify the design standards of this Article if such modification will enable the design of a better development. It is the specific intent of the Board of Township Supervisors to permit developers to consider and utilize innovative methods of design.

#### **SECTION 1202 - Overlay Zone.**

1. Sections 702 - A(1)(i) - (ii) of the Municipalities Planning Code provide that Traditional Neighborhood Development zoning shall be in the form of overlay zone for any new development and in the case of either an outgrowth or an extension of an existing development a Traditional Neighborhood Development designation shall be in the form of either an overlay zone or as an outright designation. The Traditional Neighborhood Development Zone (“TND Zone”) shall be an overlay zoning district for new development in the following Zoning Districts:

- A      Agricultural District
- R - 1   Rural Residential District
- R - 2   Single Family Residential District
- R – 3   Suburban Residential District
- C      Commercial - Residential District

2. The TND Zone provides an optional set of development standards that may result in a higher density and a wider range of uses than would otherwise be allowed, in return for a higher level of site design and preservation of Common Open Space land. If an Applicant chooses to utilize these optional standards, then all of the requirements of this Article shall apply. Where there may be a direct conflict between two (2) or more different provisions of applicable Brown Township ordinances other than this Ordinance, then the less restrictive requirement upon development and uses shall apply.

#### **SECTION 1203 - Master Plan for a “Traditional Neighborhood Development.”**

1. Application of Overlay District.

A. The provisions of this Article establish an overlay district that can be applied to any property within the Agricultural; Rural Residential, Single Family Residential and Suburban Residential; and Commercial Zoning Districts. This Article has different land use and design requirements from those contained in other ordinances of the Township. To the extent this Article differs (is more or less restrictive) from other provisions of the Zoning Ordinance, the provisions within this Article shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.

B. If Section 1205.1 permits a use within a Traditional Neighborhood Development, then before any Lot is subdivided, land development plan is platted or zoning permit is issued, an Applicant that desires to voluntarily utilize the provisions of this Article shall submit an overall Master Plan ("Master Plan" as described in section 1203.2, below) in accordance with Section 1019, Administrative Procedures." The Master Plan shall have noted thereon the following legend:

**THIS PLAN IS NOT TO BE USED FOR THE SALE OF LOTS OR THE CONSTRUCTION OF BUILDINGS THEREON. THIS PLAN SHALL NOT BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS.**

C. If the Applicant's land extends into an adjacent municipality or zoning district, then it is requested that the Master Plan also show such area to plan for a coordinated road and infrastructure system. If a Traditional Neighborhood Development exists, is proposed or has been approved on tract adjacent to an existing Subdivision or Land Development, then the Master Plan shall be coordinated with that adjacent land.

2. Master Plan. The Master Plan shall show proposed Streets, Alleys, Cartways, Rights-of -Way widths, Lots, Common Open Spaces, recreation areas, major Pathways (pedestrian and bicycle), parking areas, major stormwater detention basins, Wet Ponds and proposed types of housing and non-residential uses. The Master Plan is intended to be similar to what is commonly termed a "sketch plan." The Master Plan is not required, for the purposes of these TND Overlay Zone regulations, to meet the minimum submission requirements for a preliminary or final subdivision/land development plan.

3. Coordination with SALDO. The intent of this Traditional Neighborhood Development Overlay Zone is to coordinate zoning approval with subdivision and/or land development approvals pursuant to the Brown Township Subdivision and Land Development Ordinance ("SALDO"). During the Master Plan review, the applicant and Township should identify overall design objectives for the site and "iron-out" any fundamental problems associated with the proposed development. Approval of a development within TND Overlay Zone is tied to the successful approval of a subdivision and land development plan that meets with the specific requirements of this TND Overlay Zone and all other applicable requirements of the Brown Township Zoning Ordinance and SALDO, and any other applicable ordinances. The applicant shall be required to submit any and all of those materials that are needed to effectively demonstrate compliance with such requirements.

4. Master Plan Review. The Master Plan and application for the Traditional Neighborhood Development shall be reviewed by the Township Planning Commission and county planning commission and require approval by Township Supervisors. Once Township Supervisors grant approval for the Traditional Neighborhood Development Overlay District, then a plan of Lots or land development plat may be submitted either in its entirety or in phases for approval under the

appropriate Subdivision and Land Development Ordinance and allowed uses may occur as permitted by right uses, provided the Lots set forth on the plat and uses comply with the approved Master Plan.

5. Minor Deviations from Master Plan. If the Board of Township Supervisors determines that a zoning or subdivision application represents a significant divergence from the approved Master Plan, the Board of Township Supervisors may deny the Application. Notwithstanding the foregoing, the Board of Township Supervisors in their discretion may permit minor deviations from the Master Plan if the differences are minor changes that do not affect zoning ordinance matters, such as adjustments in street alignments and detention basin designs to reflect more detailed engineering.

6. Relationship to Other Township Ordinances. All other Township Ordinances shall apply within the Traditional Neighborhood Overlay District, except for provisions that are specifically modified by this Article and the Developer shall comply with the requirements of the SALDO then applicable in Brown Township to the extent not in conflict with this Ordinance.

#### **SECTION 1204 - Overall Requirements.**

The Board of Township Supervisors shall approve a Traditional Neighborhood Development Overlay District if the Applicant proves that the following minimum requirements will be met, in addition to other applicable Township requirements:

1. Tract size. The minimum land area required for a Traditional Neighborhood Development Overlay shall be not less than sixty (60) acres. The Traditional Neighborhood Development shall have a central focal point, such as a Central Commons, park, commercial area or institutional building. Where practicable, commercial areas shall be part of, contiguous with, or directly across a Street from a central focal point. At best, Streets or trails would lead towards this central focal point. Alleys and Loop Roads are encouraged. Cul-de-sacs are discouraged and shall be permitted only where the Applicant proves that there are no feasible alternatives. Street linkages shall be provided to allow connections with future phases of development or adjacent tracts that are existing or currently proposed Subdivisions or Land Developments. Where direct Street access is not practical between two areas within the Traditional Neighborhood Development, then the Township Supervisors may require the provision of bicycle and pedestrian access using an easement.

2. Porches. A minimum of sixty percent (60%) of the Principal Residential Buildings shall include a front door accessing onto an unenclosed front porch with a minimum thirty-two (32) square feet. Such porch shall be covered by a permanent roof. Such porch shall not be enclosed in the future.

3. Site Planning - Garage, Accessory Building, Alleys. The Applicant shall demonstrate that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of the Lot. The placement of garages along rear or side alleys or to the rear of the Lot with a side driveway is strongly encouraged. Except as specifically permitted herein, no garage shall be located with a smaller Setback from the Street than the living quarters of the Dwelling.

##### **A. Garages and Accessory Dwelling Units.**

(1) Garages and Accessory Buildings (including Accessory Dwelling Units) on a residential Lot may be placed within or attached to the Principal Residential

Building or as a detached garage or Accessory Building. Such detached garage or Accessory Building shall not exceed forty percent (40%) of the square footage of the Principal Residential Building except that a larger garage or Accessory Building that complies with all Setback and Lot coverage requirements within any Lot may be up to nine hundred fifty (950) square feet and shall not have a foundation footprint in excess of six hundred (600) square feet. Accessory Buildings shall include all garages and may include a Dwelling Unit which shall house not more than two (2) persons. For all Dwelling Units, an outbuilding shall be deemed customarily incidental to the permitted principal use.

(2) On Lots of less than fifty (50) feet width, no driveways with entry from Street frontage are permitted and such Lots shall be served by detached or attached garages or parking areas located at the rear of the main building and accessed via an alley.

(3) Single width driveways with entry from Street frontage are permitted on Lots of fifty (50) feet width or greater with the garage Setback forty (40) feet from the Front Façade of the main building.

(4) Except as otherwise specifically permitted in this Ordinance, the garage façade facing the same street frontage as the Dwelling Unit Façade shall be set back a minimum of forty (40) feet from the Dwelling Unit Façade. The following exceptions apply:

(a) subject to the limitations in (b) below, an attached garage with a setback of less than forty (40) feet from the Front Façade and facing the same Street frontage as the Dwelling Unit façade shall not exceed twenty four (24) feet in width, or fifty (50) percent of the width of the front Street level of the Dwelling Unit Façade (including the garage), whichever is greater.

(b) A maximum of twenty percent (20%) of the Dwelling Units may have a front entry garage with a Setback of less than forty (40) feet unless a front entry garage is unavoidable to make a reasonable use of the land.

(c). A maximum of ten percent (10%) of Dwelling Units may have attached garages that are situated between the front Setback line of a Street and the Front Façade of the main building; provided that in all such cases:

(1) the architectural features, materials and articulation of the Front Façade (including windows) of the main building shall be continued and shall face the Street; and,

(2) all access to such garage and the garage doors shall be from a side of the garage perpendicular to the Street frontage and shall not front onto the Street unless a front entry garage is unavoidable to make a reasonable use of the land.

(5) No off - street vehicle parking, garage, Accessory Building or carport shall be permitted within five (5) feet from the Right-of-Way of an Alley. (However, on-street parallel parking may be approved along an alley under other provisions of this Article.)

(6) Up to thirty percent (30%) of Lots may front directly onto Open Space or Courtyards without having direct Street frontage. Front access shall be provided by a pedestrian sidewalk of at least five (5) feet in width.

(7) Garages shall be located along Alleys for all Courtyard Lots. Garages shall otherwise be located in the rear or side of each Lot (facing Alleys where provided, or in the rear or to the side of a Dwelling served by a driveway on the side of the Dwelling). Garages which may be attached to Dwellings shall be located no less than forty (40) feet behind the front façade of the Dwelling in order to reduce their visual impact upon the Streetscape.

(8) Vehicular access to a rear garage shall be used to preserve the Streetscape frontage of a Lot to the maximum extent possible, except for Courtyard Lots which shall have Alleys. Whenever an Alley is not proposed, the Lot width shall be sufficient to permit a driveway to service a garage in the rear of the Lot or to the backside of the Dwelling.

B. If the Board of Township Supervisors should grant a modification to this sub-section 1204.3 then the minimum Lot width should be required to be increased as a condition of the modification, to prevent the majority of the front yard from being covered by paving.

C. All Streets and Alleys shall have a Right-of-Way, whether public or private.

D. See Section 1214, which allows on-street parking to be counted towards off - street parking requirements. To the maximum extent feasible, vehicle parking, carports and garages shall be placed to the rear or side of Lots, preferably with rear or side access. For example, the following alternative methods of providing parking are permitted and encouraged:

(1) a rear landscaped shared parking court or shared carport structure,

(2) detached rear garages or rear individual parking pads or side - entry garages accessed from alleys or side driveways, with such side driveways being of minimal width within the front yard, or,

(3) a landscaped shared parking court connected to a Street, provided that parked vehicles do not need to back out onto a through-street and provided that all paving is Setback a minimum of 20 feet from any dwelling (other than a front porch).

4. Rooflines. No Principal Residential Building shall have the appearance of a flat roof as viewed from the Street, except a flat roof may be used for Apartment or other Multi-family residential buildings or connected Commercial and Mixed Use or principal non-residential buildings if the buildings have a decorative cornice. Significant roof pitches and variations in roof lines are specifically encouraged, particularly in residences fronting on the same Street or Courtyard.

5. Sidewalks and Paths. Sidewalks shall be provided along both sides of each Street or Courtyard; provided, however, if the Master Plan provides for walking trails or bike paths interconnecting the various areas within the Traditional Neighborhood Development, then Sidewalks may be provided along only one (1) side of each Street.

6. Lots: Width - Depth. A minimum of ninety percent (90%) of the Lots within a Traditional Neighborhood Development shall be deeper than they are wide.



7. Required Mixture of Land Uses and Housing Types. The following tabulates permitted uses and residential structure types within the proposed development:

Open Space - Common, Public and/or Civic Uses	Percentage of Dwelling Units Permitted by Structural Type		Commercial and Mixed Uses
	Single-Family House	Duplex, Row House, and Apartment House	
Minimum 20% of Gross Tract Area	At least 35%	No more than 65%; Provided, however, that not more than 35% of the aggregate number of all Dwelling Units in a TND may be "Low-Rise" Apartments or "Low-Rise" Apartment-Style Condominiums	Maximum 15% of Gross Tract Area <sup>1</sup>
<sup>1</sup> Commercial and Mixed Use land uses can be increased in size if the Applicant either (a) qualifies for one (1) or more Commercial Density Bonuses or (b) otherwise can demonstrate that the proposed location and configuration provides for convenient and safe pedestrian access for multiple neighborhoods that are not being served by other nearby commercial uses.			

Note: Dwelling Units that are not Single Family Houses shall not be concentrated in a single portion of the tract.

#### 8. Guidelines for New Structures.

##### A. Height. New structures within a Traditional Neighborhood Development shall be:

- (1) between one-and-one half (1 ½) and three (3) stories above grade as seen from their front sides with a maximum height of thirty-six (36) feet for Single-Family House, Duplex, or Row House; or
- (2) between two and four stories above grade as seen from their front sides with a maximum height of fifty (50) feet for Apartment Houses and other Multi-family Residential, Commercial or Mixed Use buildings.
- (3) The building height of an Accessory Building shall not exceed the height of a principal building or twenty-four (24) feet, whichever is less.

##### B. Entries and Façades.

- (1) The architectural features, materials, and the articulation of a Façade of a building shall be continued on all sides visible from a public Street or Courtyard.
- (2) The front Façade of the principal building on any Lot shall face onto a Street or a Courtyard or Open Space. All residential buildings' main entrances shall either face or provide porch access to the Lot's front yard.
- (3) The front Façade shall not be oriented to face directly toward a parking lot.

(4) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.

(5) For commercial and mixed use buildings, a minimum of forty percent (40%) of the front Façade on the ground floor shall be transparent, consisting of window or door openings, allowing views into and out of the interior.

(6) New structures on opposite sides of the same Street should follow similar or compatible architectural and design guidelines. This provision shall not apply to buildings bordering civic uses.

9. Commercial Uses Adjacent To Central Commons. Any commercial uses that are developed should be located adjacent to a Central Commons or other community focal point. One (1) or more prominent sites adjacent to the Central Commons should be proposed for a principal non-residential use. The Traditional Neighborhood Development may specifically allow for two (2) or more alternative uses for certain sites adjacent to the Central Commons, to allow a developer reasonable flexibility to attract different uses.

10. Street Lights. The Applicant shall install Street lights meeting minimum requirements of the Township and the electric provider. Such Street lights shall be of sturdy construction, decorative design, be dark in color (such as black, dark gray or dark green), and have a maximum total height of twenty-five (25) feet.

11. Setbacks – Measurement and Exceptions.

A. Measurement of Front Yard Setbacks and Attached Garage Placement. “Setback” is measured as the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the Lot on which the structure is located, minimum and maximum Setback distances are set forth in Section 1207.6. and Section 1208.2 of this Article. Setbacks shall be unobstructed from the ground to the sky except as specified in this section. Structures shall meet the front yard Setback from all abutting Streets and Courtyards (excluding Alleys) unless otherwise provided in this Ordinance.

(1) Dwelling Units of the same type (other than Apartments), fronting on the same Street block or Courtyard should present a uniform pattern of Setbacks. Uniform Setback distances may not be appropriate for all topographic, hydro-geologic, and ecologic settings and may be varied for the intermixture of different housing types within the TND; however, similar housing types should maintain similar Uniform Setback distances within such block. Uniform Setback lines along single-family residential Streets should be maintained where ever possible.

(2) No less than thirty percent (30%) of a building's front Façade (including the Front Façade of any covered or uncovered porches but excluding garages) should be located on the front of such Uniform Setback line; except, however, not less than fifty percent (50%) of any Duplex, or Row House or Apartment House must be located on the Uniform Setback line.

(3) Front build-to lines, or Setbacks, shall be measured between the edges of the Street Right-of-Way and the closest Façade of the building; including porches; provided however, where as provided in section 1209.3 below a Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips, front yard Setbacks shall be measured from the

edge of the sidewalk furthest from the Cartway. No part of any building shall extend closer to a Street than the minimum front build-to line.

(4) Maximum Lot coverage requirements shall not apply to porches located within the front yard.

(5) No Row House building shall contain more than ten (10) Dwelling Units. For each Row House building containing more than four (4) Dwelling Units, no more than two-thirds ( $2/3$ ) of such Dwelling Units shall have the same front yard Setback; the minimum variation of Setback shall be two (2) feet. In addition, no more than two (2) contiguous Dwelling Units shall have identical roof lines that generally parallel the ground along the same horizontal plane.

(6) All Row House and Apartment House buildings shall be set back a minimum of ten (10) feet from any interior access drives, or parking facilities contained on commonly-held lands.

B. Exceptions and Permitted Encroachments. The following features may encroach into required Setbacks:

- (1) Landscaping;
- (2) Bay windows, not to exceed three (3) feet;
- (3) Chimneys, not to exceed two (2) feet;
- (4) Clothesline post (rear yard only);
- (5) Driveways, curbs and sidewalks;
- (6) Accessory Buildings, within required rear Setbacks only or as otherwise allowed by this Ordinance;
- (7) Heating and cooling units, not to exceed three (3) feet (side and rear yard only);
- (8) Mailboxes;
- (9) Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;
- (10) Fire escapes not to exceed six (6) feet, but not closer than three (3) feet to any property line (side and rear yard only);
- (11) Signs (in accordance with the sign standards);
- (12) Steps or stairs not to exceed six (6) feet and access ramps that are ADA compliant, but not closer than three (3) feet to any side property line;
- (13) Fences;
- (14) Yard and service lighting fixtures or poles; and,
- (15) Underground utilities.

C. The Board of Township Supervisors may permit a reduction of not to exceed twenty-five percent (25%) in the dimension of any required yard or setback for otherwise

conforming lots. Any reduction by more than twenty-five percent (25%) shall require a modification from the Zoning Board.

### **SECTION 1205 - Buildings or Uses Permitted.**

1. Permitted Uses - Residential. The following uses shall be permitted within an approved Traditional Neighborhood Development, in addition to uses allowed by the underlying zoning district, provided the uses are consistent with the Overall Master Plan:

- A. Single Family House.
- B. Duplex - Two-family or Semi-detached.
- C. Row House (including Townhouse or Quadruplex) whether Dwelling Units are side-by-side or one above the other.
- D. Apartment Houses. (Garden Apartments or Low-rise Apartments). Apartment Dwelling Units which do not meet the requirements of Section 1205.2.G, below, shall be counted towards the maximum number of Dwelling Units allowed in the Traditional Neighborhood Development.
- E. Public transit passenger shelters.
- F. Community building or clubhouse that is owned by the Property Owners' Association.
- G. Accessory uses customarily incidental to the above permitted uses.

2. Permitted Uses – Other. The following uses shall be permitted within an approved Traditional Neighborhood Development, in addition to uses allowed by the underlying zoning district, provided all the uses are consistent with the overall Master Plan and such uses are located within an area designated as a Commercial /Mixed Use area on such Master Plan or adjacent to a Central Commons within a Traditional Neighborhood Development.

- A. Child or Adult Day Care as a principal use.
- B. Nursing Home or Assisted Living/Personal/ Continuing Care Center, which shall not exceed twenty (20) percent of the total tract area of the development.
- C. Business, professional, medical and/or dental and medical related services offices.
- D. Libraries and Museums.
- E. Convenience stores.
- F. Personal services establishments such as barber, beauty, tanning, and health salons; photographic, music, art and dance studios, and exercise or health club.
- G. Mixed-Use Units. For each approved non - residential principal use, there may be apartment or apartment-style Condominium Dwelling Units in the same building. Such apartment or apartment-style Condominium Dwelling Units may be in addition to the maximum number of Dwelling Units otherwise allowed.
- H. Places of Worship.
- I. Retail store and/or rental of goods such as, but not limited to, antiques, apothecaries or pharmacies, recorded music and video materials, books, clothing, confections, dry cleaning dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers,

notions, personal and household supplies, photographic supplies, shoe repair services, sporting goods, stationery, tailors and tobacco (excluding adult - related uses).

J. Financial Institution.

K. Restaurants and Taverns, including outdoor restaurants or cafes, and Delicatessens, bakeries, ice cream shops, caterers, restaurants, and fast-food restaurants.

L. Meeting Facility for a Private Membership Club.

M. Bed and Breakfast Inn with a maximum of twenty (20) guest rooms.

N. Big Box Retailer

O. Accessory Uses customarily incidental to the above permitted uses.

3. Drive-through Facilities. Drive-through facilities are prohibited in all cases, except as follows:

A. an ice cream shop, fast-food restaurants, apothecary or pharmacy may have one (1) drive- through land per establishment; and,

B. Financial Institutions may have three (3) drive-through lanes per establishment.

C. All drive-through-facilities shall comply with Article XV, Section 1503.5 of this Ordinance.

4. Uses Adjacent to Central Commons. Uses adjacent to a Central Commons shall have their main pedestrian entrance facing the Central Commons. No outdoor storage shall be permitted.

5. Accessory Buildings and Uses. Accessory buildings and uses which are incidental to the uses permitted by this section shall comply with the provisions of this Article and Article XV, Section 1503 of this Ordinance. The more restrictive provisions shall apply.

#### **SECTION 1206 - Common Open Space.**

1. Minimum. A minimum of twenty percent (20%) of the Gross Tract Area shall be permanently preserved as Common Open Space. A landscaping plan for the Common Open Space shall be prepared by a Registered Landscape Architect or Pennsylvania Certified Horticulturalist.

2. Central Commons. If a Traditional Neighborhood Development involves twenty (20) or more Dwelling Units, then some or all of the required Common Open Space shall be provided within at least one (1) Central Commons, as follows:

A. A Central Commons shall be a Green Area and shall have a minimum Lot area of five-tenths (0.5) acres. A Central Commons shall be planted so as to eventually result in a canopy of deciduous trees over areas of the Commons that are not planned for active recreation.

C. A Central Commons shall have either a minimum width or a minimum length of sixty (60) feet.

D. Areas within a Central Commons that are not planned for active recreation shall make reasonable provision for benches of durable construction and a pathway. Pathways should include decorative materials, such as brick, paving block or patterned concrete.

3. Use of Stormwater Management Structures. Stormwater detention basins, Wet Ponds and drainage channels may be used to meet the minimum Common Open Space requirements where

the Applicant demonstrates that such areas would be able to be attractively landscaped and maintained and will either be reasonably dry and usable for recreation during storms less severe than a 5 year storm or will be a permanent Wet Pond.

### **SECTION 1207 - Dimensional Requirements - Residential.**

Unless an existing underlying District to which this Overlay Zone applies provides for smaller or less restrictive dimensional requirements, then the minimum dimensional requirements shall be as follows (See, Residential Density Bonuses permitted under subsection 1207.8 below).

1. Single Family Detached Dwelling:

- A. Minimum Lot area - 6,000 square feet
- B. Minimum Lot width at the minimum building Setback line - 40 feet.

2. Duplex - Two Family or Semi-detached Dwellings. :

- A. Minimum Lot area per Dwelling Unit - 4,000 square feet
- B. Minimum Lot width at the minimum building Setback line - 30 feet.

3. Row House. Row Houses (including Dwellings commonly referred to as Townhouse, Triplex, or Quadruplex). Requirements are per Dwelling Unit:

- A. Minimum Lot area per Unit - 2,000 square feet.
- B. Minimum Dwelling Unit width at the front of the enclosed Dwelling Unit - 20 feet.

4. Multi-family Dwellings, Apartments (Garden/Low rise) Dwelling Unit or Condominiums. Requirements are per dwelling unit.

- A. Minimum Lot Area per Dwelling Unit – 2,000 square feet
- B. Minimum Dwelling Unit width at the front of the enclosed Dwelling Unit – n/a

5. Maximum Coverage. Maximum Coverage for all uses per Lot

- A. Maximum Building coverage - 70 percent.
- B. Maximum impervious coverage - 85 percent.

6. Building Setbacks. Building Setbacks for Principal Residential Buildings:

- A. Front or side yard from a Local Street - minimum 10 feet, maximum 25 feet.
- B. Front yard or side yard from a Collector Street - minimum 10 feet, maximum 30 feet;
- C. Any yard from an Arterial Street - minimum 30 feet.
- D. Except as otherwise permitted in this Article, the minimum Setback shall apply to the front of an unenclosed front porch. The maximum Setback shall apply to the front of the actual enclosed Principal Residential Building.
- E. Side and Rear Yard Setbacks. Except as may be otherwise specifically permitted by this Article, side and rear yard Setbacks in a Traditional Neighborhood Development shall be as follows:

Permitted Dwelling Type	Required Side and Rear Yard Setbacks

	One Side	Total Setback Both Sides	Rear*
Single - Family House	5 ft.	15 ft.	15 ft.
Duplex - Two-Family or Semi-detached **	5 ft. per Dwelling Unit	10 ft.	15 ft.
Row House	10 ft. end Dwelling Unit	N/A	15 ft.
Accessory Building and Garages (attached or detached)	5 ft.	10 ft.	5 ft.
Apartment House Multiple - Family	10 ft.	20 ft.	15 ft.

\* In the case of a property abutting a rear alley, all rear setbacks shall be measured from the alley cartway.

F. Each Duplex (Two-Family Dwelling or Semi-detached Dwelling) shall have one (1) side yard, while a side yard shall be required for each end Row House Dwelling Unit. For a detached building, it is encouraged to make one (1) side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking.

G. In the case of “Zero Lot” configurations, each Zero Lot shall have one (1) side yard that shall be not less than the Total Setback distance.

H. Detached garage or Accessory Building. Minimum five (5) feet from a rear alley to be measured from the alley cartway. Detached garages and Accessory Buildings are not permitted in a front yard.

7. Maximum Overall Residential Density. The maximum overall residential Density for the Traditional Neighborhood Development shall be determined by computing the sum of the residential Dwelling Units permitted each underlying Zoning District within the Gross Tract Area calculated in square feet as follows.

For each underlying Zoning District within the Gross Tract Area:

A. Start with the total land area after deleting existing rights of way of existing Streets.

B. Subtract land area within Lots of non-residential principal uses from A.

C. Subtract fifty percent (50%) of the area of lands with a slope over twenty-five (25) percent from B.

D. Subtract fifty percent (50%) of the area of lands within the one hundred (100) year floodplain from C.

E. Multiply the resulting acreage in each respective underlying Residential District as follows:

(1) In – the Agricultural District, by 2.18 Dwelling Units per acre

(2) In a R - 1 District, by 5.29 Dwelling Units per acre

(3) In a R - 2 District, by 10.78 Dwelling Units per acre

(4) In a R - 3, by 16.12 Dwelling Units per acre

(5) In a C District, by 16.12 Dwelling Units per acre

F. The maximum number of permitted Dwelling Units within the Traditional Neighborhood Development is the sum of 1207.E; provided, however, that an Applicant may elect to increase such maximum number of permitted Dwelling Units in accordance with the Residential Density Bonuses in subsection 1207.8 below.

Note - This method of calculating Density does not require the deletion of stormwater detention basins, Wet Ponds, shared parking areas, new Streets, new common recreation areas, new Alleys or similar features.

#### 8. Residential Density Bonuses:

A. As an option to the Applicant, the Board of Township Supervisors shall approve the following increases in the maximum overall Density provided in Section subsection 1207.7 above.

(1) The maximum Density shall be increased by a maximum of one (1) additional Dwelling Unit per acre of Gross Tract Area if the Applicant establishes legally enforceable Architectural and Design Guidelines with provisions controlling the styles of architecture, rooflines and the exterior materials based upon features found in, and that are influenced by and emulate, pre-1946 architectural styles in the historic towns and villages of Central Pennsylvania including, but not limited to, Georgian, Federal, Queen Anne, Farmhouse, Victorian, Greek Revival and Colonial.

(a) Such provisions shall be prepared or certified by a Registered Architect, and be provided to the Township in writing.

(b) Such provisions shall not be designed to require excessive uniformity in design, and shall not restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character.

(2) The maximum Density shall be increased by a maximum of one (1) additional Dwelling Unit per acre of Gross Tract Area if the Applicant commits to provide a minimum of thirty (30) percent of the Gross Tract Area in Common Open Space.

(3) The maximum Density may be increased by a maximum of two (2) additional Dwelling Units per acre of Gross Tract Area if the Applicant develops or funds the acquisition of a regional recreation facility which has been identified and approved by the Township Supervisors.

(4) Workforce Housing. A Density increase is permitted where the Traditional Neighborhood Development proposal provides opportunities for moderate-income housing. Moderate Income is defined as a household with income at between eighty (80) percent and one hundred twenty (120) percent of the median household income of Mifflin County households as determined by the most recent data issued by the United States Census Bureau or as determined by the applicable HUD metropolitan statistical area. The Census median income data shall be computed and adjusted annually by any increase or decrease in the CPI to update the median income to the present. For each Moderate Income housing unit



provided, one (1) additional building Lot or Dwelling Unit shall be permitted up to a fifteen (15) percent increase in the maximum Density. The Applicant must show evidence that:

(a) The Dwelling Units shall be sold or rented at a market rate for this target population and shall provide an acceptable method or contractual agreements for retaining these Dwelling Units for the target population at the time of resale or release.

(b) Affordable Dwelling Units shall blend into the TND in design and appearance and shall be interspersed throughout the neighborhood rather than concentrated in a particular section.

(5) Senior housing. A Density increase is permitted where the Traditional Neighborhood Development proposal provides opportunities for affordable senior housing to individuals who are 62 years of age or older and with income 60% or less than the Mifflin County median income for households as determined by the most recent data issued by the United States Census Bureau. If the affordable senior housing is to be leased, the Applicant must demonstrate that each such Dwelling Unit shall be rented to individuals earning 60% or less than the median income for households for a period of not less than fifteen (15) years. For each affordable Dwelling Unit provided, one (1) additional building Lot or Dwelling Unit shall be permitted up to a fifteen percent (15%) increase in the maximum Density.

(6) Public access to Common Open Space and trails. A Density bonus for public usage of Greenway land in new subdivisions shall be computed on the basis of a maximum of four (4) Dwelling Units per acre of Common Open Space or per 2,500 feet of Pathways that becomes Public Open Space within the Gross Tract Area. The decision whether to accept an Applicant's offer to dedicate land to Public Open Space shall be at the discretion of the Township Supervisors.

If a Traditional Neighborhood Development utilizes one (1) or more the Density bonuses, the maximum Density shall be calculated by adding the per acre or unit Density bonuses for each criteria.

B. If any two (2) of the bonuses described in Sections 1007.8.A (1) through (6) above are approved in full, then the following reductions in minimum Lot areas shall be permitted:

(1) From 6,000 to 4,800 square feet for each Single Family House;

(2) From 4,000 to 3,200 square feet for each Two-family or Semi-detached dwelling;

(3) From 2,000 to 1,600 square feet for each Row House Dwelling Unit, in which case the Minimum Dwelling Unit width at the front of the enclosed Dwelling Unit may be reduced to sixteen (16) feet.

(4) From 2,000 to 1,600 square feet for each Apartment or Condominium Dwelling Unit.

C. In no instance shall the maximum Density in a Traditional Neighborhood Development be greater than ten (10) Dwelling Units per acre for the Gross Tract Area.

9. Condominium Form of Ownership. In place of individual fee-simple Lots meeting residential or commercial dimensional requirements set forth in this ordinance, an Applicant may choose to utilize a condominium form of ownership as provided under the Pennsylvania Uniform Condominium Act, 68 Pa.C.S §3101 et seq., for all or part of the Traditional Neighborhood Development. In such case, the Buildings within such condominium Lots shall be laid out so that the building Setback, dimensional and coverage requirements would be met. However, actual Lot lines do not need to be legally established for buildings within such condominium Lots.

#### **SECTION 1208 - Dimensional Requirements – Commercial / Mixed Use.**

The following bulk, area, and dimensional regulations shall apply to Commercial and Mixed Use buildings.

1. Maximum Tract Area for Commercial and Mixed Use buildings. Commercial and Mixed Use buildings shall not occupy more than fifteen (15) percent of the Gross Tract Area of the Traditional Neighborhood Development, unless ground floor space is reserved for pedestrian - oriented retailing, offices, and services, with offices and/or housing above, in which case the following commercial area bonuses shall apply:

A. An additional five percent (5%) of the area shall be granted if at least one-half (1/2) of the new commercial building coverage (foundation footprint) shall be of at least two-story construction and at least twenty-five percent (25%) of the upper-story space is designed for office use.

B. An additional five percent (5%) of the TND developable area shall be granted if at least one-half (1/2) of the new commercial building coverage (foundation footprint) shall be of at least two-story construction with at least twenty-five (25) percent of the upper-story space designed for residential use.

Under no circumstances shall the commercial buildings exceed twenty-five (25) percent of the Gross Tract Area.

2. Dimensional Characteristics. Dimensional characteristics for Commercial and Mixed Use Buildings shall be in accordance with the following requirements.

A. Minimum Lot Size. The minimum Lot size shall be determined by adding twenty (20) percent to the land area needed for the building coverage (foundation footprint), on-lot parking, ingress/egress, and any other on-site infrastructure that is required and private amenity areas designed for the building by the developer. The additional twenty (20) percent shall constitute Setbacks and landscaped buffers.

B. Minimum Lot Width at Streets or Alley: Lots must have a minimum Lot width of twenty (20) feet either on a Street or an Alley.

C. Frontage on a Courtyard, parks or green. Commercial and Mixed Use buildings served by rear alleys may front directly onto Courtyards, parks or greens, which shall be designed with perimeter sidewalks. The minimum green frontage shall be no less than the minimum Lot width.

D. Minimum Lot width at building line. The minimum Lot width at the building line shall be twenty (20) feet.

E. Setbacks. New buildings shall have a maximum front Setback rather than a minimum Setback in order to maintain a strong sense of Streetscape. Front yard Setback shall be measured at the interior sidewalk edge:

- (1) Maximum front yard Setback Ten (10) feet
- (2) Minimum side yard Setback. Five (5) feet, except in the case of attached Commercial and Mixed Use buildings where the side yard Setback shall apply to end buildings only.
- (3) Minimum rear yard Setback. Twenty (20) feet, except for structures along alleys in which case the minimum Setback shall be ten (10) feet from the edge of pavement.

F. Building Orientation: Commercial areas shall consist of storefronts that are principally oriented towards pedestrian customers. Buildings should present a uniform pattern of Setbacks (except in the case of designed commercial courtyards) that are close to an adjoining sidewalk or courtyard. Such sidewalks and courtyards should incorporate lamp posts, trash receptacles, shade trees, pedestrian benches, and other similar amenities. Shopping center designs must provide for an inviting pedestrian entrance and shopping area that does not require the crossing of heavily-traveled access drives and is visually separated from off-street parking and loading areas.

G. Outdoor Areas for Use by Cafes or Restaurants: Outdoor areas for use by cafes or restaurant are permitted, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial courtyard. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise, and litter.

H. Outdoor Display: One (1) sidewalk display bin for retail merchandise shall be permitted per commercial use between the main Façade of the Building and the adjoining sidewalk/courtyard. Such bin shall be located against the Façade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, or an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours.

I. Maximum impervious Lot coverage: Eighty-five (85) percent.

## **SECTION 1209 - Street Standards.**

As authorized by Article VII - A Traditional Neighborhood Development at Section 706 - A (g) (2) of the Municipalities Planning Code, the Township Supervisors have the authority to modify specific Street requirements to result in a development that is pedestrian oriented and that promotes low - speed traffic using reduced Street Cartway or travel lane widths, Street Right - of - Way widths and Street curve radii.

1. Design Standards. Traditional Neighborhood Developments may implement the following Design Standards for Streets, Sidewalks, and Alleys as follows:

Traditional Neighborhood Development Design Standards for Streets, Sidewalks, and Alleys.

Street Classification (Design Speed)	Minimum Required Width of Each Cartway or Travel Lane	Minimum Required Width of Each Parking Lane	Minimum Required Width of Each Planting Strip	Minimum Required Width of Each Sidewalk	Required Curb Return Radius	Minimum Required Street Centerline Turning Radius
Arterial or Collector (25 - 35 mph)	8 ft. <sup>(1)</sup>	8 ft.	5 ft.	3 ft.	25 ft.	150 ft.
Local (Max 25 mph)	8 ft. <sup>(1)</sup>	8 ft.	5 ft.	3 ft.	15 ft.	80 ft.
One - way Alley (Max 10 mph)	16 ft. <sup>(2)</sup>	See, Section 1212.2	0 ft.	0 ft.	15 ft.	22 ft.

## Notes:

(1) In no case shall a Township Road Cartway or Travel Lane be less than sixteen (16) feet wide.

(2) Private alleys may have Right-of-Way and Cartway or Travel Lane widths of ten (10) feet per lane.

2. Right of Way. The Minimum Township Road Right-of-Way between Street Lines shall be not less than fifty (50) feet; provided, however, the Minimum Township Road Right-of-Way between Street Lines shall be not less than thirty-three (33) feet if a Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips and:

A. A Street has sidewalks on both sides of the Street; or,

B. A Street has a sidewalk on one (1) side of the Street and Open Space on the other side of the Street; or,

C. A Street has Open Space on both sides of the Street.

3. Computation of ROW Width. The Minimum Required Right-of-Way widths shall be computed as follows:

A. When either no Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips or if a proposed Street does not comply with Section 1209.2 A, B or C, the minimum Township Road Right of Way shall be not less than fifty (50) feet wide. The actual width of the Township Road Right-of-Way of a proposed Street shall be determined by adding all of the travel lanes, parking lanes curbs or vegetated swales, Planting Strips and sidewalks proposed for any given Street segment; or,

B. When a Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips, and a proposed Street complies with Section 1209.2 A, B or C, above, the minimum Township Road Right of Way shall be not less than thirty-three (33) feet wide. In such case, the actual width of the Township Road Right-of-Way of a proposed Street shall be determined by adding all of the travel lanes, parking lanes, curbs or vegetated swales proposed for any given Street segment, but shall exclude the Planting Strips and sidewalks.

When such sidewalks and planting strips are not includable within the Township Road Right-of-Way, they shall be accessible by a recorded easement and the Street Line shall be the exterior edge of the Street, curb or vegetated sail, whichever is closest to the Sidewalk.

4. Street, Alley and Sidewalk Interconnection. Where practicable, the design of Streets, Alleys, and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby Streets, Alleys, and sidewalks.

5. Clear Sight Standard. All intersections of access drives, and/or Streets shall provide three (3) feet high clear sight triangle of thirty (30) feet as measured along the centerline of, and from intersecting rights-of-way and/or access drives.

6. Construction Standards. Any Alleys shall be designed to discourage through-traffic. All Streets and Alleys, whether public or private, shall be constructed to the same road bed construction standards as would apply to a public Street within the Township. If the Township does not agree in advance to accept dedication of Alleys, they shall be maintained by a legally binding Property Owners Association.

7. Parking. New Streets should be sufficient in width to allow on-street parking along at least one (1) side of each Street, and to provide room for bicycle riding, unless a separate bicycle pathway is provided.

8. Standards Modification. A developer desiring to modify the foregoing design standards for Streets, Sidewalks, and Alleys shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes for a Traditional Neighborhood Development as stated in this Article and the Municipalities Planning Code and would be in the public interest while protecting public safety. Such request should set forth the manner in which the project extends existing Streets / sidewalks and provides for complete vehicular and pedestrian connection with existing adjoining neighborhoods, employs Street design standards that favor pedestrian movements along sidewalks and at intersections, separates off - street parking as viewed from the Streetscape with the use of Alleys and rear-yard parking spaces/garages, and where appropriate also allows for extension/ connection associated with existing or currently proposed future developments. Street system layout shall also be generally rectilinear (as opposed to curvilinear) except where significant natural or cultural features dictate otherwise.

#### **SECTION 1210 - Access Controls.**

The Applicant shall prove that the development involves a fully coordinated interior traffic access system that minimizes the number of Streets and driveways entering onto a State highway

#### **SECTION 1211 - Landscaping and Street Trees.**

1. A Planting Strip with a minimum width of five (5) feet shall be provided to accommodate trees between the curb and the sidewalk, unless an alternative location for Street trees is either provided specifically in the Landscape Plan required in Section 1206.1 or otherwise approved by the Township Supervisors. Areas that are between a Dwelling and the Street curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping. A minimum of one (1) deciduous Street tree shall be required for an average of each fifty (50) feet of Street frontage. The site design of a Traditional Neighborhood Development shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk width of six (6) inches or more at a height of three and one-half (3.5) feet above the ground level.
2. Irrespective of §1211.1 above, all landscaping and street tree design and installation will be consistent with the most recent standards published by the American Nursery and Landscape Association (ANLA).

#### **SECTION 1212 - Parking Incentive.**

An Applicant may meet a maximum of fifty (50) percent of the off-street parking space requirements for each Dwelling Unit by counting on - street spaces parallel to the curb along a local Street or along an Alley. This provision shall be permitted only:

1. Proximity to Dwellings. For spaces along a Street curb that is directly contiguous to the set of Lots being served, or a new Alley within a Traditional Neighborhood Development, and provided the spaces are within two hundred (200) feet of each dwelling they serve; and
2. Sufficient Width. If the Applicant proves to the satisfaction of Township Supervisors that the Street or Alley would be sufficiently wide to allow the parking, and that there are no unusual safety hazards involved, compared to typical on - street parking at other locations; and
3. Proximity to Streets, Driveways, etc.

If the Applicant proves that such number of parking spaces could be legally accommodated along the Street, considering the locations of driveways, fire hydrants and Street corners.

#### **SECTION 1213 - Utility and Service Requirements.**

All proposals within the Traditional Neighborhood Overlay Zone must comply with the following:

1. Off-Site Sewer and Water. Both Off Site Sewer System and Off Site Water shall be used throughout the development.
2. Stormwater Management.

A. A Stormwater Management Plan shall be prepared in accordance with Section 4.209 of the Brown Township Subdivision and Land Development Ordinance.

B. Where practicable, the retention and regenerative percolation of stormwater runoff shall be designed to blend and function within the natural setting of the site or designed in accordance with Section 1206.3. In such instances such facilities shall be includable as part of the Common Open Space required by Section 1206. Stormwater facilities that, in the reasonable opinion of the Board of Township Supervisors, do not blend and function within the natural setting shall not be computed as part of the Common Open Space required by Section 1206 of this Article.

3. Underground Utilities. All utility lines shall be located underground and within public Streets, Alleys (whether public or private), or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads.
4. Street Lights. All Streets shall be provided with Street lights. Such Street lights shall be of such design and light intensity to serve adjoining uses yet complement the TND setting.
5. Fire Response. Applicants are required to obtain a letter from the fire chief of the company that would provide first - call service to the proposed TND. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and Street turning radii.

#### **SECTION 1214 - Flexibility in Parking.**

The Applicant may prove to the reasonable satisfaction of Township Supervisors that certain off-street parking requirements, standards, and/or criteria should be modified within the Traditional Neighborhood Development because one or more of the following characteristics:

1. Shared Parking. The Applicant proves that parking will be shared with another use that will reduce the total amount of parking needed because the uses have different peak times of parking need; or
2. Reduced Demand. The Applicant proves that the parking demand for a particular use is unusually low because of some unusual and peculiar characteristic of the use; or
3. Consistent with TND Character. The Applicant proposes standards and criteria which are consistent with the intended character of the TND and demonstrates adequate provision for the maintenance and the health, safety and welfare of the Township and the occupants of the Traditional Neighborhood Development.

#### **SECTION 1215 - Traditional Neighborhood Development Governance Documents.**

1. Governance Documents. The Applicant proposing a Traditional Neighborhood Development shall submit draft documents outlining the form of governance of the Traditional Neighborhood Development (e.g. Property Owner Association or Condominium Association, if any) and restrictions to assure compliance with all requirements of Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code, as amended from time to time, and with this Article, as amended from time to time prior to or with the application for final plan approval or final plan approval of any phase, as applicable. The Traditional Neighborhood Development governance documents shall, if the Applicant requests a Density bonus under Section 1207.8 for architectural features, include that all principal structures within the Traditional Neighborhood Development, be constructed in accordance with the design standards requirements (e.g. Architectural and Design Guidelines). The Applicant shall record the Traditional Neighborhood Development governance documents prior to or simultaneously with the recording of the final subdivision and/or land development plan or prior to or simultaneously with the final Subdivision and/or Land Development plan of the initial phase, if the project is pursued in phases, whichever is first in time, as applicable, for the Traditional Neighborhood Development.

2. Common Element Maintenance. The Traditional Neighborhood Development governance documents shall provide for the ownership and long-term maintenance of all Common Elements of the Traditional Neighborhood Development which are not included in individual Lots or not dedicated to and accepted by the Township. The Traditional Neighborhood Development governance documents shall provide for a method of assessment of Lots or, in the case of Condominiums, Units.

3. Township Enforcement. The Traditional Neighborhood Development governance documents shall grant to the Township rights to enter onto and maintain Common Elements of the Traditional Neighborhood Development which are not included in individual Lots and/or Units or not dedicated to and accepted by the Township and recover any costs of maintenance which shall be at least as stringent as those set forth in Article VII, Planned Residential Development, of the Pennsylvania Municipalities Planning Code as amended. The Traditional Neighborhood Development governance documents shall be subject to review and approval by the Township Solicitor with respect to the enforceability of this subsection.

4. Common Elements and Reimbursement for Repair and Maintenance. For purposes of this Article, "Common Element" means any Common Opens Space, private alley or private road, sidewalk, stormwater facility or other improvement within the Traditional Neighborhood Development (TND) that is owned by or under control of a Property Owner's Association or condominium association and which has not either been deeded to or dedicated to and accepted by the Township. Nonetheless, at all times relevant, anything aforesaid or hereafter to the contrary notwithstanding, if the Township should have to repair the Common Elements and/or correct deficiencies of maintenance of Common Elements, not only the cost of repair and/or maintenance by Township be assessed against the Property Owner's Association that is the title owner of such Common Element and thereupon, to the extent applicable, the members and the individual Units of such Property Owners' Association and thereby become a lien thereon, but as cumulative remedies, the Township may also file a Municipal Claim and enter a Municipal Lien against the property, against all Lots and all the Units in said Traditional Neighborhood Development (TND) and/or in said Property Owners' Association and/or Condominium Association in accordance with the law in relation to Municipal Claims, 53 P.S. §§ 7107 et seq., as amended from time to time, to collect the cost of such repair and/or maintenance, together with interest and reasonable attorneys' fees, in accordance with the law of Municipal Claims and/or Township may proceed to recover the costs of such repair and or maintenance through proceedings in equity or at law as authorized under the provisions of The Second Class Township Code, 53 P.S. § 65101 et seq., as it may be amended from time to time, and / or Township may otherwise enforce its rights against the applicable Association and/or the individual Lots, the individual Units by an appropriate action at law or in equity.

At all times relevant, the Township shall retain its right to bring an appropriate action in law or in equity to require the applicable Association and/or the Unit Owners and/or the Lot Owners to make the appropriate repairs and/or to perform the applicable maintenance.

5. Incorporation of Township Rights in Governance Documents. The provisions of this Section shall be incorporated in any Traditional Neighborhood Development (TND) governance documents, in any Property Owners' Association and/or Condominium Owners' Association governance documents. Failure so to do to the satisfaction of the Township shall result in the denial of approval of a Traditional Neighborhood Development (TND).



6. Governance Documents Subordination. No provision of the Traditional Neighborhood Development (TND) governance documents or any governance documents of a Property Owners' Association or Condominium Owners' Association invalidate, modify or supersede any provision of this Article and/or any zoning, subdivision and land development ordinance, Building Code or other real estate law, ordinance or regulation.

**SECTION 1216 - Subsequent Revisions Within the Traditional Neighborhood Overlay Zone.**

1. By-right Revisions. Once a development is constructed and occupied within the Traditional Neighborhood Overlay Zone, subsequent revisions are permitted by right, if they:

- A. Do not violate any provisions of this Article.
- B. Do not violate any of the standards imposed upon the entire development.
- C. Do not violate any conditions attached to the original approval of the Traditional Neighborhood Overlay Zone.
- D. Do not adversely affect the architecture of the approved existing development.
- E. Have been approved by the Board of Township Supervisors.

**SECTION 1217 - Modifications of Design Standards.**

1. Permitted Modifications. The Board of Township Supervisors may permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such approval shall, when making application for approval for a Traditional Neighborhood Overlay Zone development, as required by this Article XII, also make application for approval of proposed Modifications of Design Standards under this section. The Board of Township Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:

- A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 1201.
- B. Such modifications of design standards would not result in adverse impact to adjoining properties, or future inhabitants within the Traditional Neighborhood Overlay Zone development.
- C. Such modifications will not result in an increase in residential densities permitted for the site.
- D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in Section 1217.1.A. - C.

**SECTION 1218 - Definitions.**

The following definitions apply specifically to this Article:

“**Apartment Unit**” means a room or suite of rooms available for rent, which is occupied as a Dwelling Unit by a single family, or a group of individuals living together.

“**Applicant**” shall have the meaning set forth in §107(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq., as amended.

**“Alley”** as used in this Article XII, alley means a minor Right-of-Way [irrespective of whether it is privately owned], typically providing vehicular access to the side or rear of two (2) or more Lots. An Alley includes a vehicular driveway located to the rear of Lots providing access to parking and outbuildings and containing utility easements. Alleys may be paved lightly to driveway standards. Its Streetscape may consist of gravel or landscaped edges, no raised curb and is drained by percolation.

**“Big Box Retailer”** means any retail or wholesale user occupying more than 75,000 square feet of gross floor area, and has a regional sales market.

**“Central Commons”** is defined in Section 1206.2.

**“Common Element”** has the meaning ascribed to it in Section 1215.4.

**“Common Open Space”** means an Open Space intended for the use of all residents of the Traditional Neighborhood Development that is owned by a Property Owners’ Association

**“Condominium”** a form of ownership in real property that complies with the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §3101 et seq., as amended.

**“Condominium Unit”** means a form of individual ownership of a Dwelling Unit or non-residential Unit within a building with joint responsibility for maintenance and repairs of the land or other common property.

**“CPI”** means the Consumer Price Index – all Urban Consumer, for the Harrisburg-Lebanon-Carlisle PA Metropolitan Area, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor. If publication is discontinued or published less frequently, then CPI shall mean a substitute index published by a United States governmental body or recognized United States financial institution that reasonably reflects and monitors consumer prices in the United States.

**“Cartway”** means that portion of a road improved, designed or ordinarily used for vehicular travel, exclusive of the parking lane, sidewalk, curb, berm or shoulder.

**“Courtyard”** means a Green Area along which dwelling units or mixed use or commercial buildings front. Courtyards shall not exceed eight hundred (800) feet in length nor shall they be less than one hundred (100) feet in length. Courtyards shall have sufficient width to provide for a minimum of 2 tiers of Lots with each tier fronting on the internal central common space or "green". The internal central common space or "green" shall have a width not less than the minimum permitted Right of Way for a Street type which would otherwise be required to be built to provide primary Street access to such Dwellings (e.g. collector, local).

**“Courtyard Lot”** means a Lot which fronts on a Courtyard and has vehicular access from a rear alley or an adjacent parking area.

**“Density”** means the number of dwelling units within a standard measure of land area, usually given as units per acre.

**“Development Plan”** shall have the meaning set forth in §107(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq., as amended.

**“Façade”** means the exterior walls of a building that can be seen by the public.

**“Front Façade”** means the principal face of a building that fronts on a Street or a Courtyard and contains the principal entrance to such building.

**“Green Area”** means the landscaped space between principal buildings or a recreational area, pocket park, walkway, promenade, or other outdoor space which, for example, may include features such as benches, gazebos, pergolas, trellises, planters, plantings, lighting, and the like.

**“Greenway”** means an open space corridor in largely natural conditions which may include trails or pathways for bicycles and pedestrians

**“Gross Tract Area”** means the area of land within the perimeter boundaries or property lines of a proposed Traditional Neighborhood Development.

**“Land Development”** shall have the meaning set forth in §107(a) of the Pennsylvania Municipalities Planning Code, act of 1968, No. 247 as reenacted and amended.

**“Loop Road - One Access Point”** a local Street with one (1) point of access on a Collector Street or other higher order Street which includes an internal loop which functions as a Local Street.. Residential Streets meeting this definition may provide Street frontage to no more than 50 Lots.

**“Loop Road - Two Access Points”** is a local Street with two (2) points of access onto a Collector Street or other higher order Street which functions as a Local Street. Residential Streets meeting this definition may provide Street frontage to no more than 100 Lots.

**“Loop Road”** is a type of Local Street each end of which terminated at an intersection with the same Arterial or Collector Street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3,000) feet from said Arterial or Collector Street, nor normally more than six hundred (600) feet from each other.

**“Lot”** means, within a Traditional Neighborhood Development, two categories of land: that designated for development (residential, mixed-use, commercial, and civic); and that designated as Common Open Space (permanent open space).

1. All Lots shall have frontage along a Street, except for Courtyard Lots.
2. All buildings, except Accessory Buildings, and except for Courtyard Lots, shall have their main entrance face a Street.

**“Mixed Use”** means a Mixed Occupancy Dwelling. Within the TND, the existence of multiple functions within the same Building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. A mixed-use unit with a substantial Commercial component that may accommodate employees and walk-in trade on the ground floor and on floors other than the ground floor but may have residential Dwelling Units, whether Apartment Units or Condominium Units, on floors other than the ground floor. Therefore the Dwelling Unit shall require ADA compliance for accessibility. Mixed use is one of the principles of TND development from which many of its benefits are derived, including compactness, pedestrian activity, and parking space reduction.

**“Moderate-income”** means, with respect to housing, a household whose gross annual income is not less than eighty percent (80%) and is not more than one hundred twenty percent (120%) of the area median as adjusted for household size.

**“Multi-family”** means a residential structure for three (3) or more separate Dwelling Units, but sharing common hallways and building entrances, which can be either an Apartment Unit or a Condominium Unit.

**“Open Space”** means a parcel or parcels of land, an area of water, or a combination of land and water, within a Traditional Neighborhood Development designed and intended for the use or enjoyment of residents of a development not including Streets and sidewalks, off-street parking areas, areas with no public accessibility, Setbacks, and areas at other than ground level. Open Space includes Courtyards, pathways and Greenways, freshwater wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development, as well as easements for public utilities. Open Space areas may include Planting Strips over which a Property Owners Association assumed control and responsibility for maintenance, floodplains and drainage basins. Common Open Space or Public Open Space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents or the general public.

Common Open Space areas intended for active use shall be in the form of neighborhood parks, playgrounds, Tot Lots, bike or hiking trails, community gardens, picnic groves, playing fields, recreational equestrian centers, tennis courts, swimming clubs, or other recreational facilities typical to a village. Open Space areas intended for passive use:

1. May be in the form of common greens, landscaped medians and islands, buffer areas, green belts, gardens, horticultural uses or conservation land, and include stormwater management and Wet Ponds or a subsurface facilities; and,
2. Should be suitably landscaped either by retaining existing natural cover and wooded areas and/or by enhancing open space areas through designs and plantings which are consistent with the purposes of this Section and which add to the beauty of the TND.

**“Pathways”** are a system of accessways designed to interconnect various residential and commercial areas within a TND which are used for pedestrian and bicycle traffic, but may not be used for vehicular traffic. Pathways shall be designated either as Common Open Space or Public Open Space.

**“Planting Strip”** means an area that lies between the Street Cartway and the edge of a sidewalk closest to the Cartway that is intended to shield pedestrians from automobile traffic and often is used for street trees, greenspace, street furniture, street lighting and landscaping

**“Plat”** shall have the meaning set forth in §107(a) of the Pennsylvania Municipalities Planning Code, act of 1968, No. 247 as reenacted and amended.

**“Pocket Park”** means a small area of open space that is developed and maintained for active or passive recreational use by the residents of a neighborhood or development. A pocket park, by way of example only, may include lawn areas, a Tot Lot or playground, or picnic areas (See, “Green Area” above)

**“Public Open Space”** is Open Space intended for or dedicated to the use of the general public.

**“Principal Residential Building”** means all residential units within the TND other than residential units contained within Mixed Use Buildings or Accessory Buildings.

**“Private Road”** means a road Street, Alley or Pathway owned and maintained by any person or organization, which is not a governmental authority. [PDT PUB 9 “Liquid Fuels Tax” Effective January 2003]

**“Right - of - Way”** in this Article XII means a strip of land, irrespective of whether publicly or privately owned, over which the public has the right of passage.

**“SALDO”** means the Brown Township Subdivision and Land Development Ordinance

**“Setback”** has the meaning ascribed to it in Article II of this Ordinance.

**“Streetscape”** means the appearance or view of a Street of the TND where buildings are placed close to the Street and features such as Façade s, porches, shop-fronts, Street trees, streetlights, sidewalks, fences, and awnings contribute to a cohesive character.

**“Tot Lot”** means a small parcel of land usually one-half (1/2) acre or less in size, designed as a children’s play area and which may be equipped with swings, slides, playground equipment and similar facilities. (See, “Green Area” above).

**“Town House”** means a residential structure containing Dwelling Unit designed and constructed sharing a common side wall with at least one (1) other unit, and located in a structure containing three (3) units or more, sometimes commonly referred to as a “Row House”(defined in Article II of this Ordinance), “triplex” or “quadraplex”.

**“Township Road”** means a road, Street, Alley or Pathway owned by or dedicated to and accepted by Brown Township over which the public has the right of passage such as parkways, medians, sidewalks, easements, and driveways that are constructed thereon. [derived from PDT PUB 9 “Liquid Fuels Tax” Effective January 2003].

**“Uniform Setback”** means, for purposes of Front Setback or Build-to Lines, that the front Façades of buildings on any block should be closely aligned with, but need not be absolutely identical to, other buildings fronting on the same block to maintain the rhythm that is intended for the neighborhood and block.

**“Unit”** when used in the context of the Uniform Planned Community Act shall have the meaning set forth in the Uniform Planned Community Act, 68 Pa. C.S. §5101 et seq., as amended, and when used in the context of the Uniform Condominium Act shall have the meaning set forth in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S §3101 et seq., and when used otherwise shall mean a measure of residential, commercial or mixed use ownership (e.g. Dwelling Unit)

**“Wet Pond”** means a stormwater retention impoundment area created by either constructing and embankment or excavating a pit that retains a permanent pool of water used for water quality improvement.

**“Zero Lot”** means a Lot where a Principal Residential Building is sited on one (1) or more Lot lines with no yard and the yard is located on the opposite side(s) of the Principal Residential Building to allow flexibility in sight design and increase the amount of useable space between Buildings.

## **SECTION 1219 - Administrative Procedures.**

### **1. TND Master Plan and Final Plan Approval.**

A. The development of any land within Brown Township pursuant to the provisions of ARTICLE – (TND) TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY ZONE (“TND Overlay”) requires the approval of a Traditional Neighborhood Development Master Plan (“TND Master Plan”) by the Board of Township Supervisors and the approval and recording of a Final Land Development or Subdivision Plan consistent therewith. The TND Master Plan serves as a development template for the Traditional Neighborhood Development Overlay Zone and may provide for development in phases.

B. At the election of the Developer, the TND Master Plan submittal may also include a Preliminary Land Development or Subdivision Plan (“Preliminary Plan”) or Final Land Development or Subdivision Plan (“Final Plan”), in which case the Developer shall submit therewith all other requirements for approval of a Preliminary Plan or Final Plan. Such Preliminary Plan or Final Plan may be for the entire parcel of land or one (1) or more Phases of the Parcel if the land is to be developed in Phases. The review of such Preliminary Plan or Final Plan shall proceed concurrently with the Master Plan Approval process.

## 2. Submission and Review Procedures.

A. Pre-Application Procedures - A Developer proposing to develop a property pursuant to the TND Overlay is strongly encouraged to submit a “sketch plan” to the Township for informal discussion at a Pre-Application Conference to be scheduled prior to the submission of the Master Plan. The purpose of the pre-Application conference is to acquaint the Township with information about the proposed Traditional Neighborhood Development. The Applicant shall present information including: the location, lots, owners, environmental constraints, and expected residential density of the site; preliminary land suitability analysis using generalized soils or Geographical Information System (GIS) data; the approximate locations of road and street access and interconnections with existing roadways; land use and design concepts; and the internal and peripheral open space. The pre-Application conference will identify any major concerns and the need for additional information from the Applicant. The pre-Application conference should initiate an evolving dialogue with continued refinements to the TND Master Plan.

### B. Application for Master Plan Approval

(1) A Developer shall simultaneously submit to the Township Secretary, the following:

(a) a TND Overlay Application Coversheet and Master Plan Application which shall include, but not necessarily be limited to, the information noted herein and shall be in a form as adopted from time to time by Resolution of the Brown Township Board of Supervisors; and

(b) an Initial Fee Deposit in accordance with a Resolution adopted by the Brown Township Board of Supervisors, from time to time.

(2) Additionally, a Developer shall make payment of those fees and reimburse those costs incurred by the Township and related to Master Plan Approval, including the fees and costs of professional consultants, as defined in §107(a) of

the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10107(a), in accordance with a Resolution adopted by the Brown Township Board of Supervisors, from time to time.

3. Master Plan and Documentation Requirements. The Traditional Neighborhood Development Master Plan "Master Plan" shall include a level of detail sufficient to determine that the development of the tract of land proposed as a Traditional Neighborhood Development complies with TND Overlay requirements (or in the event the Developer has submitted a Preliminary Plan or Final Plan, such additional requirements to approve a Preliminary Plan or Final Plan under the applicable Subdivision and Land Development Ordinance ("SALDO"))

A. The TND Application shall include documentation illustrating compliance with all of the standards set forth in the TND Overlay including:

(1) A key map, drawn at a scale of 1" = 800', showing the location and size of the property and showing the relation of the property to adjoining areas and streets, and showing the nature of the Developer's interest in the land proposed to be developed;

(2) Existing Conditions Plan, at a scale of 1" = 100', of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils. The following information shall be included on such plan:

- (a) Contour lines at vertical intervals of not more than five (5) feet and showing location and elevation of the closest established benchmark(s) from which the contour elevations are derived;
- (b) Total tract boundaries of the property being developed, showing bearings and distances and a statement of the total acreage of the property;
- (c) Locations of all existing tree masses, trees over eight (8) inch caliper not part of a tree mass, other specimen trees, rock outcroppings, watercourses, floodplain areas, wetlands, and other significant natural features (where flood plain areas, as defined in the Brown Township Floodplain Ordinance, are located on the tract, such areas shall be delineated in accordance with the Flood Plain District Map that is part of the Floodplain Ordinance);
- (d) Slope differentials delineating all slopes less than 15%, from 15 to 25%, and in excess of 25%;
- (e) Delineation of existing drainage patterns on the property;
- (f) Existing soil classifications;
- (g) Any existing sewer lines, water lines, electric and telephone utility lines, pipelines, culverts, bridges, railroads, roads, and other significant man-made features;
- (h) Locations on the tract, or within fifty (50) feet of the property boundary, of all structures;

(3) A Master Plan, at a scale of 1" = 100', showing proposed use areas, Open Space, and location of buildings, structures and improvements. The following shall be shown on the Master Plan:

- (a) The total acreage of the tract.
- (b) Location and acreage calculations for each underlying Zoning Districts within the proposed development.
- (c) The total number of residential units proposed, with subtotals for each housing type and the average gross residential density for each Phase.
- (d) If the TND Development is to be developed in more than one (1) Phase, a development Phasing plan showing how construction of the development is phased.
- (e) A menu of building types that could be accommodated in each Phase for which approval is being sought.
- (f) Lot lines with approximate dimensions for all residential units for which individual ownership is proposed.
- (g) The approximate location of all buildings, roads, parking areas, sidewalks or pathways, Street rights-of-way and cartway widths, and proposed structure and facilities for control of stormwater runoff and for sanitary sewage disposal; proposed utility easement locations; and connections to off site utilities and streets, accompanied by documentation as to the impact of the proposed development on such utilities and streets.
- (h) Location of lot layout: location, size, description or function, size, ownership, and manner of maintenance of Open Space areas, indicating the nature of the facilities or structures therein and proposed uses thereof of any Central Commons and Open Spaces; recreational facilities, and support buildings.
- (i) Street Plan showing an interconnected network of streets, pedestrian accommodations, bikeways, and street types at a local scale and scope.

(4) A graphic demonstrating the Street width, sidewalks and Pathways, Rights-of-way (public and private) frontage, pedestrian environment, planting strips, parking, and vehicular travel lanes in section for each street type shall be referenced to the Street Plan.

(5) A statement showing all calculations to meet the requirements of the TND Overlay, including:

- (a) Gross allowable density of development;
- (b) Net proposed density of development;
- (c) Open Space;
- (d) Residential use; and,
- (e) Commercial and Mixed-Use space.



(6) The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings, and structures, including proposed grants and/or easements for public utilities.

(7) A site plan and narrative illustrating phasing, including a time schedule for all on-site and off-site improvements that shall be made, and the proposed times within which Applications for Final Approval of all sections of the TND are intended to be filed. The schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.

(8) A written narrative description of setting forth reasons why, in, the Developer's opinion the TND development proposal would be in the public interest.

B. The Developer may submit any additional information reasonably required to demonstrate compliance with the TND Zoning Overlay District Ordinance requirements.

#### 4. Public Hearings.

A. Within sixty (60) days following the filing of a TND Application pursuant to this Article, the Township Supervisors shall hold a public hearing pursuant to public notice on said TND Application in the manner prescribed in the Brown Township Zoning Ordinance or other applicable law for the enactment of an amendment of the Zoning Ordinance. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses. The Chairman or, in his absence, the Acting Chairman of Board of Township Supervisors or its designated agency may administer oaths and compel the attendance of witnesses as provided by law.

B. the Board of Township Supervisors shall cause a verbatim record of the hearing to be made whenever any party requests such records of the proceedings; but the cost of making and transcribing such a record shall be borne by the party making the request and the expense of copies of such record shall be borne by those who wish to obtain such copies. Any party making such request shall at its expense provide a copy of such transcript to the Township and to the Developer. All exhibits accepted in evidence shall be properly identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

C. The Board of Township Supervisors may continue the public hearing provided, however, that the ensuing hearings shall be concluded within thirty (30) days from the date of the first public hearing.

D. Within thirty (30) days following the conclusion of the last public hearing provided for in this Article, the Board of Township Supervisors shall, by official written communication (hereinafter, "Determination") to the Developer either:

- (1) Approve of the Master Plan as submitted;
- (2) Grant approval subject to specified conditions required by the TND Overlay but not included in the Master Plan as submitted; or,
- (3) Deny Approval of the Master Plan.

E. Failure to so act within said thirty (30) day period shall be deemed to be a grant of Approval of the Master Plan as submitted. In the event, however, that Approval is granted subject to conditions, the Developer may, within thirty (30) days after receiving a copy of the Determination of the Board of Township Supervisors, notify the Board of Township Supervisors of his refusal to accept all said conditions, in which case, the Board of Township Supervisors shall be deemed to have denied Approval of the Master Plan.

F. In the event that the Developers does not, within said period, notify the Board of Township Supervisors of his refusal to accept all said conditions, Approval of the Master Plan, with all said conditions, shall stand as granted.

G. The grant or denial of Approval by Board of Township Supervisors' Determination 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, and said communication shall set forth with particularity in what respects the Master Plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

(1) The extent to which the Master Plan departs from the requirements of the TND Overlay and Township SALDO or other ordinances otherwise applicable to the subject property, including but not limited to:

(a) Density, bulk, and use, and the reasons, if any, why such departures are not deemed to be in the public interest;

(b) The purpose, location, and amount of the Open Space in the TND, the reliability of the proposals for maintenance and conservation of the Open Space, and the adequacy or inadequacy of the amount and purpose of the Open Space as related to the proposed density and type of residential development;

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

(d) In the case of a development plan that proposes development over a period of years, or in specified Phases, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the TND in the integrity of the development plan.

H. In the event a Master Plan is approved, with or without conditions, the Board of Township Supervisors may set forth in the Determination the time within which to file for approval of the Final Development Plan or, in the case of a development plan that provides for development over a period years, the periods of time within which applications for Final Approval of each Phase thereof shall be filed. Except upon the consent of the Developer, the time so established between grant of Approval of the Master Plan and an application submitting a development plan for Final Approval of a development plan shall not be less than six (6) months and, in case of development over a

period of years, the time between applications for Final Approval of each stage of a plan shall not be less than twenty four (24) months.

5. Status of Plan after Master Plan Approval.

A. The Township Secretary shall certify and file in the Township offices the original Determination provided for in Section 1219.4.d and shall either deliver personally or mail a certified copy of such Determination to the Developer. Where Approval has been granted, the same shall be noted on the Township Zoning Map.

B. Approval of a Master Plan shall not qualify as a Final Development Plan of the proposed development for recording nor authorize development or the issuance of any building permits. A Master Plan that has been given Approval as submitted, or that has been given Approval with conditions that have been accepted by the Developer (and provided that the Developer has not defaulted nor violated any of the conditions of the Master Plan approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application for Final Approval of a development plan, without the consent of the Developer, provided , that that the Developer either:

(1) Files an application for Final Approval of a development plan within the period of time specified in the Determination or,

(2) in the case of development in phases over a period of years, files such Applications for Final Approval of such phases of a development plan within the period or periods of time specified in the Determination.

6. Application for Approval of the Final Development Plan.

A. Once the Board of Township Supervisors grant approval of a Master Plan, then a Final Subdivision Plan of Lots or Final Land Development Plan (hereinafter collectively referred to as a ("Final Plan")) may be submitted for approval under the appropriate Subdivision and Land Development Ordinance and allowed uses may occur as permitted by right uses, provided the Final Plan and uses are consistent with the approved Master Plan

B. A Developer may file a Final Plan for all the land included in a Master Plan or, in the alternative, any Phase or section thereof. Said Final Plan shall be filed with the Board of Township Supervisors of Brown Township and within the time or times specified by the Determination granting Master Plan approval. The Final Plan, either in its entirety or in Phases, shall adhere to the applicable SALDO submission requirements.

C. The Final Plan shall contain the following information, and any additional information required by the Township in the approval of the Master Plan.

(1) Building Standards: Building placement, encroachments, parking, height and vertical uses by building type.

(2) Architectural and Design Guidelines [if elected by the Applicant pursuant to Section 1007.8. a. (1)].

(3) Location and size of all multi-family and attached residential buildings

(4) Off-street parking plan, including surface transitional and structured lots.

- (5) Final Plan
- (6) Detailed engineering plans
- (7) Detailed development agreement specifying responsibilities for public improvements, phasing, design review, and organizational structure.
- (8) Deed restrictions.
- (9) Detailed site, building, landscape, signage, grading, and lighting plans.

For TND developments that are to be constructed in Phases, Final Plans shall be submitted as each Phase occurs. In such cases the development agreement would be step one, the Final Plan step two. Other items listed above would be submitted with the development agreement

D. If Final Plan has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the TND Overlay, these Administrative Procedures, and the applicable SALDO; and if the Final Plan for the development or any Phase thereof is in substantial compliance with the approved Master Plan, then the Final Plan shall be approved without a public hearing. A Final Plan for a Phase shall be deemed in substantial compliance even if the mix of Primary Residential Buildings and Dwelling Unit Types is reallocated within such Phase and differs from the Master Plan; provided, however, that the maximum number of Residential Dwelling Units is not increased thereby and the permitted mix of Residential Dwelling Units in the development complies with TND Overlay Section 1204.7.

E. In the event a Final Plan has been filed, together with all drawings, specifications, and other documents in support thereof as required by this Ordinance, the Brown Township SALDO, and the Board of Township Supervisors, to determine that such Final Plan does not substantially comply with the approved Master Plan, then the Developer shall be notified that such Final Plan has been either denied or approved with conditions as if a Determination was made in accordance with Section 1219.4.D. of these Administrative Procedures.

(1) Alternatively, the Developer may

- (a) re-file such Final Plan either without the variations from the Master Plan objected to in the Determination denial or by incorporating the conditions set forth in such Determination; or
- (b) file a written request with the Township Supervisors that it hold a Public Hearing pursuant to Public Notice on the Final Plan per the Procedures of Section 1219.4 and the procedures outlined in Sections 1219.4.A through 1219.4.H of these Administrative Procedures shall apply as if such Final Plan were the Master Plan. The Public Hearing shall be held within sixty (60) days following the first meeting of the Township Supervisors immediately subsequent to the filing of the written request.

(2) If the Developer wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for approval of such Final Plan, or within 30 additional days after receipt of the Determination if the time to apply for the approval of such Final Plan shall have already passed at the time

when the Developer was advised that such Final Plan was not in substantial compliance. In the event the Developer shall fail to take either of these alternate actions within said time, he shall be deemed to have not timely filed such Final Plan.

(3) Within thirty (30) days after the conclusion of the public hearing, the Township Supervisors shall, by Determination, either grant or deny Final Approval to the Final Plan.

(4) The grant or denial of the Final Plan shall, in cases arising under this Section, be in the form and contain the findings of fact and conclusions specified in Section 1219.4.G of these Administrative Procedures.

#### 7. Certification and Recording of the Approved Final Plan

A. An approved Final Plan shall be signed and certified as approved and reviewed by the by the Brown Township Board of Township Supervisors and the Brown Township Planning Commission, as applicable. The Developer shall be notified that the approved Final Plan is available. The Developer shall file the Final Plan of record within ninety (90) days of the date of such approval in the Office of the Recorder of Deeds of Mifflin County before any development shall take place in accordance therewith. Upon the filing of record of the Final Plan, the Brown Township Traditional Neighborhood Development Overlay Zone and the zoning and subdivision regulations otherwise applicable to the land included in such Final Plan shall apply thereto and development of the land may proceed in accordance therewith.

#### 8. Developers Abandonment of Final Plan

A. In the event that a development plan, or a Phase thereof, is given Final Approval and thereafter the Developer shall abandon such Final Plan or the section thereof that has been finally approved, and shall so notify the Township Supervisors in writing; or, in the event the Developer shall fail to commence and carry out the TND within any period of four (4) consecutive years after Final Approval has been granted, no development or further development shall take place on the property included in the development plan until a subsequent TND Overlay, Subdivision Plan or Land Development Plan is approved.

**Page Intentionally Blank**

## ARTICLE XIII

### PRD PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE

#### **SECTION 1301 - Purpose and Intent.**

1. Article VII of the Municipalities Planning Code, 53 P.S. §10101 et seq., as amended, grants power to the Township to amend its Zoning Ordinance to include Planned Residential Developments (“PRD”). The purpose of this PRD Overlay Zone is to provide an option to developers primarily intended to:

A. Encourage innovations in residential, nonresidential and mixed use forms of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of Dwellings and other buildings and structures and by the conservation and more efficient use of Open Space ancillary to said Dwellings and uses;

B. Avoid sprawled and inefficient patterns of development that would be inconsistent with the character of the community being developed;

C. Encourage a blending of recreation areas, preserved natural features, compatible institutional uses, and a mix of housing, including housing intended to be affordable to middle - income persons;

D. Provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks;

E. Encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses; and,

F. Insure that the increased flexibility of regulations over land development authorized is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

G. 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,

2. A Planned Residential Development is an optional approach to community development. Its provisions encourage more productive use of open space, the preservation of significant existing natural features of the landscape, more varied and better housing design, increased economies to the builder and prospective homeowner, increased pedestrian and vehicular safety, and achieve greater interest and flexibility than in conventional subdivisions and land developments.

3. It is the further intent of the Board of Township Supervisors to encourage flexibility, economy and ingenuity in the development of PRDs within the Township. To this end, the Board of Township Supervisors shall permit the developer to modify the design standards of this Article if such modification will enable the design of a better development. It is the specific intent of the

Board of Township Supervisors to permit developers to consider and utilize innovative methods of design.

### **SECTION 1302 - Overlay Zone.**

1. The Planned Residential Development shall be in the form of overlay zone for any new development and in the case of either an outgrowth or an extension of an existing development a Planned Residential Development designation shall be in the form of either an overlay zone or as an outright designation. The Planned Residential Development Zone ("PRD Zone") shall be an overlay zoning district for new development in the following Zoning Districts:

- A      Agricultural District;
- R-1    Rural Residential
- R - 2   Single-Family Residential District;

2. The PRD Zone provides an optional set of development standards that may result in a higher density and a wider range of uses than would otherwise be allowed, in return for a higher level of site design and preservation of Common Open Space land. If an Applicant chooses to utilize these optional standards, then all of the requirements of this Article shall apply. Where there may be a direct conflict between two or more different provisions of applicable Brown Township ordinances other than this Ordinance, then the less restrictive requirement upon development and uses shall apply.

### **SECTION 1303 - Master Plan for a "Planned Residential Development."**

1. Application of Overlay District.

A. The provisions of this Article establish an overlay district that can be applied to any property within the Agricultural, Rural Residential and Single Family Residential Zoning Districts. To the extent this Article differs (is more or less restrictive) from other provisions of the Zoning Ordinance, the provisions within this Article shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.

B. If Section 1305.1 and 2 permits a use within a Planned Residential Development, then before any Lot is subdivided, land development plan is platted or zoning permit is issued, an Applicant that desires to voluntarily utilize the provisions of this Article shall submit an overall Master Plan ("Master Plan" as described in section 1303.2, below) in accordance with section 1315, Administrative Procedures." The Master Plan shall have noted thereon the following legend:

THIS PLAN IS NOT TO BE USED FOR THE SALE OF LOTS OR THE  
CONSTRUCTION OF BUILDINGS THEREON. THIS PLAN SHALL NOT BE  
RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS.

C. If the Applicant's land extends into an adjacent municipality or zoning district, then it is requested that the Master Plan also show such area to plan for a coordinated road and infrastructure system. If a Planned Residential Development exists, is proposed or has been approved on tract adjacent to an existing Subdivision or Land Development, then the Master Plan shall be coordinated with that adjacent land.



2. Master Plan. The Master Plan shall show proposed Streets, Alleys, Cartways, Rights-of -Way widths, Lots, Common Open Spaces, recreation areas, major Pathways (pedestrian and bicycle), parking areas, major stormwater detention basins, Wet Ponds and proposed types of housing and non-residential uses. The Master Plan is intended to be similar to what is commonly termed a “sketch plan.” The Master Plan is not required, for the purposes of these PRD Overlay Zone regulations, to meet the minimum submission requirements for a preliminary or final subdivision/land development plan.

3. Coordination with SALDO. The intent of this Planned Residential Development Overlay Zone is to coordinate zoning approval with subdivision and/or land development approvals pursuant to the Brown Township Subdivision and Land Development Ordinance (“SALDO”). During the Master Plan review, the applicant and Township should identify overall design objectives for the site and “iron-out” any fundamental problems associated with the proposed development. Approval of a development within PRD Overlay Zone is tied to the successful approval of a subdivision and land development plan that meets with the specific requirements of this PRD Overlay Zone and all other applicable requirements of the Brown Township Zoning Ordinance and SALDO, and any other applicable ordinances. The applicant shall be required to submit any and all of those materials that are needed to effectively demonstrate compliance with such requirements.

4. Master Plan Review. The Master Plan and application for the Planned Residential Development shall be reviewed by the Brown Township Planning Commission and county planning commission and require approval by Board of Township Supervisors. Once Board of Township Supervisors grant approval for the Planned Residential Development Overlay District, then a plan of Lots or land development plat may be submitted either in its entirety or in phases for approval under the Subdivision and Land Development Ordinance and allowed uses may occur as permitted by right uses, provided the Lots set forth on the plat and uses comply with the approved Master Plan.

5. Minor Deviations from Master Plan. If the Board of Township Supervisors determines that a zoning or subdivision application represents a significant divergence from the approved Master Plan, the Board of Township Supervisors may deny the Application. Notwithstanding the foregoing, the Board of Township Supervisors in their discretion may permit minor deviations from the Master Plan if the differences are minor changes that do not affect zoning ordinance matters, such as adjustments in street alignments and detention basin designs to reflect more detailed engineering.

#### **SECTION 1304 - Overall Requirements.**

1. Tract size. The minimum land area required for a Planned Residential Development Overlay shall be not less than sixty (60) acres.

A. Street connections and Loop Roads are encouraged.

B. Cul-de-sacs are discouraged and shall be permitted only where the Applicant proves that there are no feasible alternatives.

C. Street linkages shall be provided to allow connections with future phases of development or adjacent tracts that exist or are currently proposed Subdivisions or Land Developments.

D. Where direct Street access is not practical between two areas within the Planned Residential Development, then the Board of Township Supervisors may require the provision of bicycle and pedestrian access using an easement.

## 2. General Planning Considerations.

A. The plan shall encourage provisions for a variety of housing types.

B. The intent of this Ordinance is to encourage a higher quality of development and to take into consideration the appearance of all elevations and the layout of buildings and external spaces and materials used therein.

C. Non-residential uses shall be designed or intended primarily for the use of the residents of the Planned Residential Development, and the burden shall be fixed on the applicant to prove this is the case.

D. A minimum of twenty (20) percent of the gross site area shall be set aside as common open space pursuant to Section 1306 of this Article. The location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a Planned Residential Development, and where possible, the common open space shall be planned as a contiguous area located for maximum benefit of the residents, preserving and where possible enhancing natural features.

## 3. Site Considerations.

A. Existing trees shall be preserved wherever possible. The location of trees must be considered when planning open space areas, location of buildings, underground utilities, walks, paved areas, playgrounds, parking areas and finished grade levels.

B. The Board of Township Supervisors shall inquire into the means whereby trees and other natural features shall be protected during construction. Clearing a site of topsoil, trees and natural features before the commencement of building operations shall be discouraged by the Board.

C. The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, tree clearance and destruction of natural amenities.

D. Natural features such as lakes, watercourses, topsoil, trees and shrubs should be preserved and incorporated into the final landscaping of the development whenever possible and desirable.

E. Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes and enhance the appearance of open areas.

F. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Township Engineer will be required.

## 4. Siting of Housing

A. All housing shall be designed with regard to topography and natural features of the site. The effects of prevailing winds, seasonable temperatures and hours of sun- light on the physical layout and form of the proposed land use and building shall be taken into account.

B. To create architectural interest in the layout and character of housing fronting streets, variations in setbacks shall be encouraged.

C. All housing should be sited so as to provide privacy and to insure natural light in all principal rooms.

D. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from privacy.

#### **SECTION 1305 - Buildings Or Uses Permitted.**

1. Permitted Uses - Residential. The following uses shall be permitted within an approved Planned Residential Development, in addition to uses allowed by the underlying zoning district, provided the uses are consistent with the Overall Master Plan:

A. Single Family House.

B. Duplex - Two-family or Semi-detached.

C. Row House (including Townhouse or Quadruplex) whether Dwelling Units are side-by-side or one above the other.

D. Apartment Houses. (Garden Apartments or Low-rise Apartments).

2. Permitted Uses – Non-residential and Accessory. Non-residential uses of a recreational, commercial and institutional character to the extent they are designed and intended primarily to serve the residents of the Planned Residential Development. All non-residential land uses shall be subject to approval by the Board upon recommendation of the Planning Commission. All non-residential and accessory uses permitted in the PRD shall comply with applicable provisions set forth in Article XV of this Ordinance.

A. Child or Adult Day Care as a principal use.

B. The following uses shall be allowed provided that the structure occupied for such use shall have a net floor area no greater than specified herein:

(1) Retail food store - 1,200 square feet;

(2) Retail drug store - 1,000 square feet;

(3) Pick-up station for dry cleaning, pressing or laundering operations, provided none of these actual operations are carried out on the site 400 square feet;

(4) Gift shop - 800 square feet.

(5) The above uses shall be permitted only when performed entirely within the enclosed building. No building designed or intended to be used, in whole or in part for commercial purposes shall be constructed prior to the completion of not less than twenty (20) percent of the dwelling units proposed in the plan.

C. House of Worship.

D. Home Occupations.

E. Public transit passenger shelters.

F. Family Day Care Home.

G. Community building or clubhouse that is owned by the Property Owners' Association.

3. Accessory buildings and uses which are incidental to the uses permitted by this section shall comply with the provisions of this Article and Section 1503 of this ordinance. The more restrictive provisions shall apply.

4. Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the plan. Applicable recreation facilities shall be completed preceding construction of the next phase.

### **SECTION 1306 - Common Open Space.**

1. Minimum. A minimum of twenty percent (20%) of the Gross Tract Area shall be permanently preserved as Common Open Space. A landscaping plan for the Common Open Space shall be prepared by a Registered Landscape Architect.

2. Use of Stormwater Management Structures. Stormwater detention basins, Wet Ponds and drainage channels may be used to meet the minimum Common Open Space requirements where the Applicant demonstrates that such areas would be able to be attractively landscaped and maintained and will either be reasonably dry and usable for recreation during storms less severe than a 5 year storm or will be a permanent Wet Pond.

3. There shall be such provision for the ownership and maintenance of the common open space as reasonable to insure its continuity and conservation pursuant Section 1313 of this Article.

### **SECTION 1307 - Dimensional Requirements.**

Unless an existing underlying District to which this Overlay Zone applies provides for smaller or less restrictive dimensional requirements, then the minimum dimensional requirements shall be as follows.

#### **1. Residential Uses**

##### **A. Dimensional Characteristics.**

	Single-family Detached	Duplex (Two-family or Semi-detached)	Single-family attached (Row House)	Multi-family
Minimum Lot Area (sq. ft.)	6,000	4,000 per unit	2,000 per unit	2,000 per unit
Minimum Lot Width (ft.)	40	30	20	NA
Maximum Lot Coverage <sup>(1)</sup>	70%			
Maximum Building Coverage	85%			
Maximum Building Height <sup>(2)</sup>	35 feet			40 feet
Front Yard Setback	See §1307.1.B below			
Side Yard Setback (feet) <sup>(3)</sup>	Min. 5 Max. 15	Min. 5 Max. 10	end unit -10	Min. 10 Max. 20
Rear Yard Setback	15 feet			

## Notes:

(1) Lot Coverage includes all buildings, structures and other areas of impervious surface (for example: driveways, parking areas, walkways).

(2) The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

(3) In the case of a corner lot at the intersection of two (2) streets, the width of the side yard on the street side shall not be less than ten (10) feet. Each Duplex (Two-Family Dwelling or Semi-detached Dwelling) shall have one (1) side yard, while a side yard shall be required for each end Row House Dwelling Unit. For a detached building, it is encouraged to make one (1) side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking. In the case of “Zero Lot” configurations, each Zero Lot shall have one (1) side yard that shall be not less than the Total Setback distance.

B. Minimum Front Yard Requirements. There shall be a front yard, the depth of which shall be determined by the classification of the street or road on which the principal building or the principal use will front:

Street Type	Front Yard (feet)
Arterial	30
Collector	Min. 10, max 30
Local	Min 10, max 25

C. Detached garage or Accessory Building shall be set back a minimum five (5) feet from all side and rear alleys. Detached garages and Accessory Buildings are not permitted in a front yard.

D. Maximum Overall Residential Density. A plan may provide for a greater number of dwelling units per acre than would be permitted by the underlying Zoning District regulations otherwise applicable to the site. This method of calculating Density does not require the deletion of stormwater detention basins, Wet Ponds, shared parking areas, new Streets, new common recreation areas, new Alleys or similar features.

(1) The maximum density computed over the entire Planned Residential Development shall be five (5) dwelling units per acre. The Board, in determining the reasonableness of an increase in the authorized dwelling units per acre, may recognize that increased density may be justified by additional private amenities and by increased efficiency in public services to be achieved by both of the following:

- a. the amount, location and proposed use of common open space, and
- b. the location, design and type of dwelling units.

- (2) The maximum net residential density for garden apartment use areas shall not exceed ten (10) dwelling units per acre.
- (3) The maximum net residential density for townhouse use areas shall not exceed eight (8) dwelling units per acre.
- (4) The maximum net residential density for two-family housing areas shall be six (6) dwelling units per acre.
- (5) The maximum net residential density for detached housing use areas shall be four (4) dwelling units per acre.
- (6) Only when approved by the board may a plan permit less than fifty (50) percent of the approved number of dwelling units as single-family detached residential dwellings.

E. Condominium Form of Ownership. In place of individual fee-simple Lots meeting residential or commercial dimensional requirements set forth in this ordinance, an Applicant may choose to utilize a condominium form of ownership as provided under the Pennsylvania Uniform Condominium Act, 68 Pa.C.S §3101 et seq., for all or part of the Planned Residential Development. In such case, the Buildings within such condominium Lots shall be laid out so that the building Setback, dimensional and coverage requirements would be met. However, actual Lot lines do not need to be legally established for buildings within such condominium Lots.

## 2. Non-Residential Uses.

A. Non-residential buildings shall not occupy more than fifteen (15) percent of the Gross Tract Area of the Planned Residential Development.

### B. Dimensional Characteristics.

Minimum Lot Area (square feet)	5,000
Minimum Lot Width (feet)	100
Maximum Lot Coverage (see Note 1 in §1307.1.A)	60%
Maximum Building Coverage	75%
Maximum Building Height(see Note 2 in §1307.1.A)	35 feet
Front Yard Setback	See §1307.1.B above
Side Yard Setback (see Note 3 in §1307.1.A)	15 feet each
Rear Yard Setback	15 feet

## SECTION 1308 - Street Standards.

1. The street system shall be related to land uses and adjacent street systems and shall be identified in the plan as collector streets, local streets, or alleys as established in the Subdivision and Land Development Ordinance of Brown Township and herein.

2. Design Standards. Planned Residential Developments may implement the Design Standards for Streets, Sidewalks, and Alleys as set forth in:

A. Section 1209.1, Traditional Neighborhood Development, Street Standards, of this Ordinance; or

B. Section 4.204 of the Township Subdivision and Land Development Ordinance.

3. Right of Way. The Minimum Township Road Right-of-Way between Street Lines shall be not less than fifty (50) feet; provided, however, the Minimum Township Road Right-of-Way between Street Lines shall be not less than thirty-three (33) feet if a Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips and:

A. A Street has sidewalks on both sides of the Street; or,

B. A Street has a sidewalk on one (1) side of the Street and Open Space on the other side of the Street; or,

C. A Street has Open Space on both sides of the Street.

4. Computation of ROW Width. The Minimum Required Right-of-Way widths shall be computed as follows:

A. When either no Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips or if a proposed Street does not comply with Section 1308.3. A, B or C, the minimum Township Road Right of Way shall be not less than fifty (50) feet wide. The actual width of the Township Road Right-of-Way of a proposed Street shall be determined by adding all of the travel lanes, parking lanes curbs or vegetated swales, Planting Strips and sidewalks proposed for any given Street segment; or,

B. When a Property Owners Association assumes control over and responsibility for the maintenance of sidewalks and planting strips, and a proposed Street complies with Section 1308.3. A, B or C, above, the minimum Township Road Right of Way shall be not less than thirty-three (33) feet wide. In such case, the actual width of the Township Road Right-of-Way of a proposed Street shall be determined by adding all of the travel lanes, parking lanes, curbs or vegetated swales proposed for any given Street segment, but shall exclude the Planting Strips and sidewalks

When such sidewalks and planting strips are not includable within the Township Road Right-of-Way, they shall be accessible by a recorded easement and the Street Line shall be the exterior edge of the Street, curb or vegetated sail, whichever is closest to the Sidewalk.

5. Street, Alley and Sidewalk Interconnection. Where practicable, the design of Streets, Alleys, and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby Streets, Alleys, and sidewalks.

6. Clear Sight Standard. All intersections of access drives, and/or Streets shall provide three (3) feet high clear sight triangle of thirty (30) feet as measured along the centerline of, and from intersecting rights-of-way and/or access drives.

7. Construction Standards. All Streets and Alleys, whether public or private, shall be constructed to the construction standards as set forth in Part 4 of the Township's Road Construction and Road Opening Ordinance.

8. Parking. New Streets should be sufficient in width to allow on-street parking along at least one (1) side of each Street, and to provide room for bicycle riding, unless a separate bicycle pathway is provided.

9. Standards Modification. A developer desiring to modify the foregoing design standards for Streets, Sidewalks, and Alleys shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes for a Planned Residential Development as stated in this Article and the Municipalities Planning Code and would be in the public interest while protecting public safety. Such request should set forth the manner in which the project extends existing Streets / sidewalks and provides for complete vehicular and pedestrian connection with existing adjoining neighborhoods, employs Street design standards that favor pedestrian movements along sidewalks and at intersections, separates off - street parking as viewed from the Streetscape with the use of Alleys and rear-yard parking spaces/garages, and where appropriate also allows for extension/ connection associated with existing or currently proposed future developments.

#### **SECTION 1309 - Access Controls.**

The Applicant shall prove that the development involves a fully coordinated interior traffic access system that minimizes the number of Streets and driveways entering onto a State highway

#### **SECTION 1310 - Landscaping and Street Trees.**

1. Landscaping shall be regarded as an essential feature of every Planned Residential Area in order to enhance the appearance and marketability of housing, provide protection from the wind, and sun; and for screening roads, parking areas, and nearby property from view.

2. All parking areas shall be landscaped pursuant to Article XVI of this Ordinance.

3. Street trees must be provided on all streets.

A. A Planting Strip with a minimum width of five (5) feet shall be provided to accommodate trees between the curb and the sidewalk, unless an alternative location for Street trees is either provided specifically in the Landscape Plan required in Section 1306.1 or otherwise approved by the Board of Township Supervisors.

B. Areas that are between a Dwelling and the Street curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping.

C. A minimum of one (1) deciduous Street tree shall be required for an average of each fifty (50) feet of local street frontage.

D. No less than two (2), four (4) inch caliper trees shall be provided for each twenty-five (25) feet increment of a collector street.

4. The site design of a Planned Residential Development shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk width of six (6) inches or more at a height of three and one-half (3.5) feet above the ground level.

#### **SECTION 1311 - Parking Incentive.**

1. There shall be two (2) off-street parking spaces measuring nine (9) feet by eighteen (18) feet for each dwelling unit.

2. There shall be one (1) off-street parking space measuring nine (9) feet by eighteen (18) feet for each one hundred fifty (150) square feet of commercial space with the requirements specified generally for parking areas herein.

3. Parking areas shall be arranged to prevent through traffic to other parking areas.



4. Parking areas shall be screened from adjacent structures, access roads, and traffic arteries with hedges, dense planting, earth berms or decorative walls. All parking areas shall be a minimum of twenty (20) feet from all structures, access roads, and traffic arterials.
5. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.
6. No more than sixty (60) parking spaces shall be accommodated in any off-street single parking area.
7. All off-street parking areas shall be adequately lighted pursuant to Article XVI of this Ordinance.
8. All off-street parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.
9. An Applicant may meet a maximum of fifty (50) percent of the off-street parking space requirements for each Dwelling Unit by counting on - street spaces parallel to the curb along a local Street or along an Alley. This provision shall be permitted only:
  - A. For spaces along a Street curb that is directly contiguous to the set of Lots being served, or a new Alley within a Planned Residential Development, and provided the spaces are within two hundred (200) feet of each dwelling they serve; and
  - B. If the Applicant proves to the satisfaction of the Board of Township Supervisors that the Street or Alley would be sufficiently wide to allow the parking, and that there are no unusual safety hazards involved, compared to typical on - street parking at other locations; and
  - C. If the Applicant proves that such number of parking spaces could be legally accommodated along the Street, considering the locations of driveways, fire hydrants and Street corners.

#### **SECTION 1312 - Utility and Service Requirements.**

All proposals within the Planned Residential Overlay Zone must comply with the following:

1. Off-Site Sewer and Water. Both Off Site Sewer System and Off Site Water shall be used throughout the development.
2. Stormwater Management.
  - A. A Stormwater Management Plan shall be prepared in accordance with Section 4.209 of the Brown Township Subdivision and Land Development Ordinance and the Brown Township Stormwater Management Ordinance.
  - B. Where practicable, the retention and regenerative percolation of stormwater runoff shall be designed to blend and function within the natural setting of the site or designed in accordance with Section 1306.2. In such instances such facilities shall be includable as part of the Common Open Space required by Section 1306. Stormwater facilities that, in the reasonable opinion of the Board of Township Supervisors, do not blend and function within the natural setting shall not be computed as part of the Common Open Space required by Section 1306 of this Article.

3. Underground Utilities. All utility lines shall be located underground and within public Streets, Alleys (whether public or private), or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads.

4. Fire Response. Applicants are required to obtain a letter from the fire chief of the company that would provide first - call service to the proposed PRD. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and Street turning radii.

5. Street Signs, Street Furniture and Street Lighting.

A. Careful attention must be given to the quality of design of street signs, street furniture, and street lighting. Street names are subject to approval by the Board.

B. All street and areas of high pedestrian use shall be adequately lighted. 4. Street Lights. All Streets shall be provided with Street lights. Such Street lights shall be of such design and light intensity to serve adjoining uses yet complement the PRD setting.

C. The character, size and shape of all outdoor signs shall be reviewed by the Board at time of request for final approval.

D. Detailed designs of outdoor signs shall be reviewed by the Board prior to issue of permits.

E. Outdoor signs shall be designed so as not to be a nuisance to adjacent residences and their size, shape and design shall be in harmony with their context.

6. Supplementary Project Facilities.

A. Non-residential uses within the Planned Residential Development shall be located so as not to interfere with the residential character of nearby dwelling units. Parking and loading places must be carefully screened from view of adjacent residential development.

B. The use and general design of non-residential facilities shall be reviewed by the Board at time of submission for tentative approval.

C. Swimming pools, skating rinks and other recreational areas shall be located so as not to interfere with the residential character of adjacent dwelling units.

D. Refuse stations must be designed with suitable screening and in locations convenient for collection removal and not offensive to the occupants of adjacent dwelling units.

E. Adequate lighting must be provided to the outdoor areas used by occupants after dark. Appropriate lighting fixtures must be provided for walkways and to identify steps, ramps, directional changes and signs. Lighting shall be located to avoid shining directly into habitable room windows in the project or into private outdoor open space, which is associated with dwelling units.

#### **SECTION 1313 - Planned Residential Development Governance Documents.**

1. Governance Documents. The Applicant proposing a Planned Residential Development shall submit draft documents outlining the form of governance of the Planned Residential Development (e.g. Property Owner Association or Condominium Association, if any) and restrictions to assure compliance with all requirements of Article VII, Planned Residential

Development, of the Pennsylvania Municipalities Planning Code, as amended from time to time, and with this Article , as amended from time to time prior to or with the application for final plan approval or final plan approval of any phase, as applicable. The Applicant shall record the Planned Residential Development governance documents prior to or simultaneously with the recording of the final subdivision and/or land development plan or prior to or simultaneously with the final Subdivision and/or Land Development plan of the initial phase, if the project is pursued in phases, whichever is first in time, as applicable, for the Planned Residential Development.

2. Common Element Maintenance. The Planned Residential Development governance documents shall provide for the ownership and long-term maintenance of all Common Elements of the Planned Residential Development which are not included in individual Lots or not dedicated to and accepted by the Township. The Planned Residential Development governance documents shall provide for a method of assessment of Lots or, in the case of Condominiums, Units.

3. Brown Township Enforcement. The Planned Residential Development governance documents shall grant to the Township rights to enter onto and maintain Common Elements of the Planned Residential Development which are not included in individual Lots and/or Units or not dedicated to and accepted by the Township and recover any costs of maintenance which shall be at least as stringent as those set forth in Article VII, Planned Residential Development, of the Pennsylvania Municipalities Planning Code as amended. The Planned Residential Development governance documents shall be subject to review and approval by the Township Solicitor with respect to the enforceability of this subsection.

4. Common Elements and Reimbursement for Repair and Maintenance. For purposes of this Article, "Common Element" means any Common Opens Space, private alley or private road, sidewalk, stormwater facility or other improvement within the Planned Residential Development (PRD) that is owned by or under control of a Property Owner's Association or condominium association and which has not either been deeded to or dedicated to and accepted by the Township. Nonetheless, at all times relevant, anything aforesaid or hereafter to the contrary notwithstanding, if the Township should have to repair the Common Elements and/or correct deficiencies of maintenance of Common Elements, not only the cost of repair and/or maintenance by Township be assessed against the Property Owner's Association that is the title owner of such Common Element and thereupon, to the extent applicable, the members and the individual Units of such Property Owners' Association and thereby become a lien thereon, but as cumulative remedies, the Township may also file a Municipal Claim and enter a Municipal Lien against the property, against all Lots and all the Units in said Planned Residential Development (PRD) and/or in said Property Owners' Association and/or Condominium Association in accordance with the law in relation to Municipal Claims, 53 P.S §§ 7107 et seq., as amended from time to time, to collect the cost of such repair and/or maintenance, together with interest and reasonable attorneys' fees, in accordance with the law of Municipal Claims and/or Township may proceed to recover the costs of such repair and or maintenance through proceedings in equity or at law as authorized under the provisions of The Second Class Township Code, 53 P.S. § 65101 et seq., as it may be amended from time to time, and / or Township may otherwise enforce its rights against the applicable Association and/or the individual Lots, the individual Units by an appropriate action at law or in equity. At all times relevant, the Township shall retain its right to bring an appropriate action in law or in equity to require the applicable Association

and/or the Unit Owners and/or the Lot Owners to make the appropriate repairs and/or to perform the applicable maintenance.

5. Incorporation of Township Rights in Governance Documents. The provisions of this Section shall be incorporated in any Planned Residential Development (PRD) governance documents, in any Property Owners' Association and/or Condominium Owners' Association governance documents. Failure so to do to the satisfaction of the Township shall result in the denial of approval of a Planned Residential Development (PRD).

6. Governance Documents Subordination. No provision of the Planned Residential Development (PRD) governance documents or any governance documents of a Property Owners' Association or Condominium Owners' Association invalidate, modify or supersede any provision of this Article and/or any zoning, subdivision and land development ordinance, Building Code or other real estate law, ordinance or regulation.

#### **SECTION 1314 - Subsequent Revisions Within The Planned Residential Overlay Zone.**

1. By-right Revisions. Once a development is constructed and occupied within the Planned Residential Overlay Zone, subsequent revisions are permitted by right, if they:

- A. Do not violate any provisions of this Article.
- B. Do not violate any of the standards imposed upon the entire development.
- C. Do not violate any conditions attached to the original approval of the Planned Residential Overlay Zone.
- D. Have been approved by the Board of Township Supervisors.

#### **SECTION 1315 - Administrative Procedures.**

1. PRD Master Plan and Final Plan Approval shall comply with all applicable provisions set forth for in Section 1219, Traditional Neighborhood Development, Administrative Procedures, of this Ordinance.

## ARTICLE XIV

### NRP NATURAL RESOURCE PROTECTION OVERLAY ZONES

#### **SECTION 1401 – Purpose**

The Natural Resource Protection Overlay Zones promotes the conservation and preservation of land in the Township possessing natural features identified as essential to the environmental health, economy and rural character of the community. These areas include lands with development constraints, such as steep slopes, woodlands, wetlands and floodplains, and stream corridors. Protection of natural features provides benefits such as soil erosion control, improved soil quality, enhanced water quality, enriched habitat and biodiversity, flood control, and the protection of buildings, roads and property.

#### **SECTION 1402 - Identification and Delineation of Natural Resource Protection Overlays**

For purposes of this Ordinance, areas contained within the Natural Resource Protection Overlay Zones shall include the following:

1. Wetlands: Any portion of a property within a designated wetland, as determined by current State and/or Federal guidelines.
2. Stream Corridors: Any portion of a property located within twenty-five (25) feet of the top of bank of any stream or watercourse.
3. Floodplains: Any portion of property within a 100 year floodplain as determined by the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). All development proposed shall comply with the Brown Township Floodplain Ordinance.

#### **SECTION 1403 – Mifflin County Natural Heritage Inventory Sites**

The Mifflin County Natural Heritage Inventory of 2007, as may be amended from time to time, identifies eight (8) sites within Brown Township as significant natural habitat. In compliance with the Natural Heritage Inventory, as amended, the Brown Township Zoning Ordinance seeks to conserve and protect these sites. Therefore, no earth disturbance shall be permitted, and no buildings or structures shall be placed in, above, under, or within one hundred (100) feet of such sites. In cases where more restrictive state standards apply, those standards shall prevail.

#### **SECTION 1404 – Conflict.**

This section is intended to create overlay zones, wherein all of the regulations of the underlying district shall remain in full force and effect. Where a conflict exists between the provisions or requirements of this Article and those of any underlying district, or other Township Ordinances and state or federal regulations, the more restrictive shall apply.

#### **SECTION 1405 – Permitted and Prohibited Uses**

1. Permitted Uses. Each of the following principal uses and their accessory uses are permitted by right in the Natural Resource Protection Overlay Zone, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

A. Forest and wildlife reserves.

- B. Forestry and tree farming.
- C. Agricultural and farm operations.
- D. Greenways and trails.
- E. Single-family detached dwellings.
- F. No-Impact Home-Based Business.
- G. Accessory structures and uses customarily incidental to a permitted use.
- H. Campgrounds and camps
- I. Hunting and fishing camp or cabin.

2. Prohibited Uses. The following uses are strictly prohibited in the Natural Resource Protection Overlay Zone:

- A. Concentrated Animal Operations and Concentrated Animal Feeding Operations
- B. Dumps, junkyards and other non-residential outdoor storage of vehicles or materials.
- C. The installation of sewage disposal systems on land sloping greater than twenty-five (25) percent.
- D. Parking lots and loading areas on land sloping greater than twenty-five (25) percent.
- E. Swimming pools, tennis courts, patios and similar accessory structures on land sloping greater than twenty-five (25) percent.

## **SECTION 1406 – Area and Bulk Requirements**

### **1. Lot and Building Regulations**

	Agricultural Uses	All Other Uses
Minimum Lot Area	10 acres	
Minimum Lot Width	300 feet	
Maximum Lot Coverage	40,000 sq. ft.	20,000 sq. ft.
Maximum Building Coverage	20,000 sq. ft.	10,000 sq. ft.
Maximum Building Height*	35 feet	
Front Yard Setback	50 feet	
Side Yard Setback	50 feet	
Rear Yard Setback	50 feet	

\* The maximum building height shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic collectors and panels, HVAC and other mechanical equipment, and similar appurtenances. The building height of accessory structures shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

2. At least eighty percent (80%) of the area of the lot shall be maintained with a vegetative material.

## **SECTION 1407 – Design and Performance Standards**

1. In the event that two (2) or more natural resource areas identified in this Article overlap, the resource with the most restrictive standard shall apply to the area of overlap.

2. All plans for subdivision or land development shall conform to the Brown Township Subdivision and Land Development Ordinance.
3. An erosion and sedimentation control plan, consistent with the requirements of the Brown Township Subdivision and Land Development Ordinance, subsection 4.213, shall be required for any earth disturbance proposed within five hundred (500) feet of any watercourse, wetland, or water body.
4. All trees six (6) inches or more in caliper at a point four (4) feet in height above the ground shall not be removed unless they are within the right-of-way lines of a street or drive, within proposed building lines, or within utility locations or mandatory access for equipment.
5. No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored separately. Upon completion of construction and/or site improvements, the topsoil must be redistributed on the site uniformly. No person shall excavate or otherwise remove topsoil for sale or for use other than on the premises from which the topsoil shall be taken, except in connection with the construction or alteration of a building on such premises in conjunction with an approved plan, and excavation or grading incidental thereto.
6. All disturbed areas of the site shall be stabilized by seeding or planting.
7. Productive agricultural soils in active agricultural use shall be preserved to the extent possible.

#### **SECTION 1408 - Wetlands Protection**

##### **1. Conservation of Wetlands**

- A. Any portion of a property within a delineated wetlands area is not to be altered, re-graded, filled, piped, diverted, or built upon except in conformance with the regulations of the PA DEP and the US Army Corps of Engineers.
- B. Any landowner proposing an activity requiring a Federal or State permit shall obtain such permit before approval by the Township.
- C. All uses and activities shall minimize to the extent possible the destruction, degradation, or adverse impact on a wetland.
- D. Wells and septic systems shall not be located in wetland areas.
- E. Stormwater management facilities shall not be located in wetland areas unless the wetlands are used as part of the facility.

2. Hydric Soils and Soils with a Seasonally High Water Table. No building and no portion of any sewage disposal system shall be constructed on or within any soil type with a seasonally high water table, as defined in Article 2.

#### **SECTION 1409 - Stream Corridors Protection**

##### **1. Conservation of Stream Corridors**

- A. Stream corridors shall not be altered, re-graded, filled, or used for any purpose, excluding agricultural land uses, except in conformance with this Section.
- B. No structure or earth disturbance shall be permitted within one hundred (100) feet of the top of the bank of any watercourse, or within one hundred (100) feet of the edge of any pond, wetland, or other water body in order to protect existing watercourses and

water bodies, and to enable the regeneration of vegetation in order to enhance or create riparian buffers, except as follows:

- (1) Regulated activities permitted by the Commonwealth, such as stream or wetland crossing, for which the maximum disturbance permitted shall be five (5) percent of the riparian or wetland buffer area on the subject parcel.
- (2) Provision for unpaved trail access;
- (3) Selective removal of a safety hazard, diseased trees, or invasive plant species.
- (4) Soil and stream conservation projects approved by the Mifflin County Conservation District.

C. Where it is necessary to cross a stream or watercourse for any purpose, the property landowner, applicant and/or site contractor is encouraged to work with the Mifflin County Conservation District to establish best management practices (BMPs) to protect the stream.

D. Any changes in an existing stream or watercourse must be approved by the appropriate state and/or federal agency, with documentation of such permit provided to the Township.

E. Where the provisions in this subsection are found to be in conflict with the Brown Township Stormwater Ordinance, said Stormwater Ordinance shall take precedence.

## 2. Riparian Buffers

A. A riparian buffer shall be maintained along all stream corridors to intercept sediment and pollutants from runoff occurring overland before they reach the stream, thereby protecting local water resources and the environment.

- (1) The riparian buffer shall extend no less than thirty-five (35) feet from the top of the stream bank or the edge of the watercourse
- (2) The buffer shall consist of existing or new vegetation or a combination thereof, in the following order of preference.
  - (a) Plant selection shall be consistent with Mifflin County Conservation District, Pennsylvania Department of Environmental Protection, and USDA riparian forested buffer guidelines.
  - (b) Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.
  - (c) A combination of existing vegetation (such as above) and newly-established vegetation.

3. Exemptions. Where structures exist on lots at the time of adoption of this ordinance, impervious cover may be increased within the buffer by no more than fifty (50) percent. In such cases the following shall apply:

- A. The buffer shall be reduced by no more than fifty (50) percent of its area or two thousand five hundred (2,500) square feet, whichever is less; and



B. No earth disturbance shall be permitted within thirty-five (35) feet of the wetland boundary or top of bank for watercourses and water bodies. In no case shall earth disturbance be permitted within the floodway unless a permit is obtained from the Pennsylvania Department of Environmental Protection, with documentation of such permit provided to Brown Township.

**SECTION 1410 - Floodplain Areas.**

Any portion of a property within a designated floodplain area shall not be altered, re-graded, filled, or built upon except in strict compliance with the provisions of this Ordinance, the Township Flood Plain Ordinance, and with all other applicable federal, state and local regulations.

**Page Intentionally Blank**

**ARTICLE XV**  
**SUPPLEMENTAL REGULATIONS**

**SECTION 1501 - Purpose**

These Supplemental Regulations are established to provide additional general and specific requirements for certain permitted, accessory and special exception uses listed in Articles IV through XI of this Ordinance. If the zoning district regulations are determined to be in conflict with the following general regulations, the most restrictive regulations shall be applied, unless otherwise stated.

**SECTION 1502 – General Provisions for All Uses**

1. Water and Sewage Facilities. All principal uses shall be served by water and sewage facilities pursuant to Article IV of the Brown Township Subdivision and Land Development Ordinance.

2. Floodplain and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or uses shall meet the requirements of Article XIV or the Brown Township Floodplain Ordinance:

A. Stream Corridors Protection Overlay

B. Wetlands Protection Overlay

C. Floodplain Protection Overlay

3. Landscape Area. There shall be provided on all non-agricultural lots un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.

A. Landscape Area shall include any part of the site which is not used for buildings, other impervious structures, loading or parking spaces and aisles, sidewalks, and any area or space which is roofed.

B. The landscape area shall be so designed that:

(1) It catches or collects, holds and absorbs roof water run-off and the surface water run-off from surfaced areas.

(2) It prevents roof water run-off and surface water run-off from flowing or running onto adjacent properties, streets or alleys.

(3) Each site where a part of the landscape area is located is itself reasonably secure from wash out, sliding or shifting under normal rain, ice or snow conditions.

(4) It is maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.

C. All landscape areas shall be planted with an all-season ground cover such as grass, ivy, vetch, pachysandra, etc., except that gravel may be substituted in a manner that compliments other vegetative materials.

4. Yard and Open Space Encroachment. All front, side and rear yards as required by this Article shall be open and unobstructed by any building or structure, or part thereof, except as provided herein.

A. Projections into required yard.

(1) Open, unenclosed porches may be placed in a required front yard and rear yard providing they do not extend for a distance of more than one-third (1/3) of the required front yard and/or rear yard area.

(2) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.

(3) Architectural features including bay windows, cornices, eaves, fireplaces, chimneys, windowsills or other architectural features may extend into yard setback not more than twenty-four (24) inches.

(4) Lampposts and other light fixtures, sidewalks or walkways, driveways, fences and retaining walls, flagpoles, decorative lawn ornaments, bird feeders, and similar objects shall be permitted within any required yard.

5. Off-Street Parking, Loading and Unloading. All uses shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article XVII of this Ordinance.

6. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article XVI of this Ordinance.

7. Environmental Performance Standards. All uses in Brown Township shall comply with the Environmental Protection Standards provided for in Article 4 of the Brown Township SALDO.

8. Buffering

A. A buffer yard shall be located at the perimeter of the lot and shall not be located in any portion of a public right-of-way or proposed right-of-way.

B. Buildings or storage of any kind shall not be permitted in a buffer yard. Permitted uses in a buffer yard include stormwater management facilities, underground utility, picnic areas, greenways and/or pedestrian walkways.

C. Buffer yards shall not be used for parking.

D. A buffer yard of fifty (50) feet shall be required between residential uses or residential zoning districts and nonresidential uses or commercial and/or industrial zoning districts. Screening shall be required within the buffer yard.

9. Screening

A. Screening materials at maturity shall provide semi-opacity from the ground to a height of six (6) feet and intermittent visual obstruction from a height of six (6) feet to a height of thirty (30) feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than twenty (20) feet in width; and vegetative screening material within semi-opaque areas shall contain openings no greater than ten (10) feet in width upon the plants' maturity. Grouping of plant material is

encouraged to achieve a more natural appearance. Screening within a required buffer area shall consist of one of the following:

(1) Mixed vegetative Screen

- (a) Evergreen trees: minimum five (5) foot planting height.
- (b) Deciduous trees: minimum two (2) inch caliper and six (6) foot planting height.
- (c) Shrubs: minimum eighteen (18) inch planting height, reaching a minimum of thirty (30) inches within two (2) years. All shrubs (deciduous and evergreen) must have a minimum spread of twelve (12) inches to fifteen (15) inches when planted.
- (d) Minimum planting width: ten (10) feet.

(2) Fence and vegetative screen.

- (a) Minimum six (6) foot-high freestanding/retaining wall or solid fence.
- (b) Evergreen trees: minimum five (5) foot tree planting height.
- (c) Minimum planting width: twelve (12) feet.

(3) Evergreen tree screen.

- (a) Evergreen trees: minimum eight (8) foot tree planting height.
- (b) Minimum planting width: twelve (12) feet.

(4) Berm and vegetative screen.

(a) Berm requirements:

- (i) Minimum six (6) foot planting height.
- (ii) Berm slopes three to one (3:1) and less steep.
- (iii) Eight (8) feet minimum top width.

(b) Vegetation:

- (i) Vegetation shall consist of a minimum of lawn or other ground cover, and shrubs and trees.
- (ii) Minimum six (6) foot tree planting height.
- (iii) The lawn or ground cover shall cover at least ninety-five (95) percent of the berm area within two (2) years of planting.
- (iv) Shrubs and deciduous trees shall conform to subsection (1) above.

B. The following specific uses or features shall be screened from adjacent properties and from public view from a street by a solid fence or wall, or by one of the screening options in subsection A:

- (1) Dumpster and trash-handling and storage areas.
- (2) Loading docks or spaces.

(3) Outdoor storage or any material stocks, or equipment, including but not limited to motor vehicles, farm or construction equipment or other similar items.

C. Maintenance - All required screening, including vegetation, berms, fences or walls shall be permanently maintained in good condition and, whenever necessary, repaired and replaced.

10. Fences and Walls. Fences or walls may be erected, altered and maintained in accordance with the following requirements:

A. Any fence or wall in the front yard shall not exceed three and one half (3½) feet in height.

B. A fence or wall may be located on a lot line.

C. No fence or wall shall have a height in excess of six (6) feet above ground level.

D. The height of a fence or wall may be increased one (1) foot for every full four (4) feet by which the fence or wall is set back from the lot line.

E. In no event shall the height of a fence or wall exceed nine (9) feet – irrespective of where the fence or wall is located on the lot.

11. Limit of one (1) principal use. No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance. A principal use shall not be located in an accessory building or structure.

12. Multiple Occupancy. Occupancy of a principal commercial or industrial building by more than one (1) use of similar type is specifically allowed, provided that all other requirements of this Ordinance are satisfied. Each use within a multiple use, mixed-use or multiple occupancy building shall be required to apply for separate zoning permits.

13. Minimum habitable floor area. All dwelling units must conform to the following minimum habitable floor area:

A. Single-family attached, single-family detached, single-family semi-detached, and two-family dwelling units shall have a minimum of not less seven hundred (700) square feet per dwelling unit.

B. Multi-family dwellings shall have a minimum of not less than four hundred fifty (450) square feet per dwelling unit.

14. Prohibited uses

A. All uses not listed in a zoning district shall be prohibited in that zoning district, except as provided for in Section 107 of this ordinance.

B. The housing or keeping of any animal and plant species considered to be threatened or endangered by the U.S. Fish and Wildlife Service are strictly prohibited.

15. Public Utility Exemption.

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the

public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

16. Temporary use and structure. A temporary use permit may be issued by the Zoning Officer for structures or uses accessory during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

A. The life of such permit shall not exceed one (1) year, unless authorized by the Zoning Hearing Board.

B. Temporary structures may be erected in conjunction with a temporary use subject to approval by the Zoning officer.

(1) No temporary structure shall exceed one hundred twenty (120) square feet.

(2) All temporary structures must be removed, and the site returned to its condition prior to the commencement of the temporary activity, within 24 hours of the cessation of the temporary activity without cost to the township.

C. A permit shall be required and prominently displayed throughout the event.

D. No more than four (4) events may be held during one (1) calendar year by any one applicant and at any one location.

E. Parking for the event shall be provided in conformance with Article XVII.

F. Temporary structures or uses in conjunction with an active construction project or land development shall be exempt from the provisions of this subsection.

G. Garage and yard Sales

(1) Within any zoning district, an owner and/or occupant of a residential use may conduct up to four (4) garage/yard sales per calendar year.

(2) No garage/yard sale shall be conducted for a period longer than three (3) consecutive days.

(3) Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted.

H. Temporary Retail Sales.

(1) Only one (1) Temporary Retail Sales event may take place on a lot at any given time.

(2) Temporary Retail Sales hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

(3) Temporary retail sales may take place in parking areas subject to maintaining sufficient parking for all uses located on that site.

(4) Temporary Retail Sales shall not disrupt the daily operations of the principal business located on the lot.

**SECTION 1503 - Accessory Uses**

The following regulations for accessory buildings and uses shall supplement the regulations set forth in this Ordinance in each zoning district. Accessory uses are all buildings and uses customarily incidental and subordinate to any permitted principal or special exception use.

1. General Requirements. The following regulations shall apply to any and all accessory uses, buildings and structures wherever situated.

A. Buildings or structures attached to or forming an integral part of a primary building or structure and utilized for an accessory use shall not be considered as accessory buildings or structures and shall conform to all requirements for a principal structure for the zone in which situated.

B. Accessory buildings, structures or uses shall not be located between the primary building structure or use and any street right-of-way.

C. Residential sales offices are permitted accessory uses, but such uses must be removed upon the sale of the last onsite residential unit offered for sale.

2. Accessory Dwelling Unit

A. There shall be permitted one (1) accessory dwelling unit for each principal permitted residential single family detached dwelling.

B. The accessory dwelling unit shall be clearly subordinate to the principle dwelling unit.

C. All accessory dwelling units shall be subject to the following:

(1) Located on the same parcel as the principal single-family dwelling.

(2) The accessory dwelling unit may be within existing single-family dwellings or in a separate pre-existing structure such as detached garage or accessory building.

3. Alternative Energy Systems

A. All permitted and special exception uses shall be permitted one (1) alternative energy system comprised of the following:

(1) One wind energy system; and/or

(2) Any number of roof-mounted solar collectors; and/or

(3) No more than three hundred (300) square feet of ground mounted solar panels; and/or

(4) One biogas or methane digester.

B. All accessory alternative energy systems shall be designed for private use.

C. Wind Energy Systems (including Windmills):

(1) No wind energy system shall be located on a parcel less than 40,000 square feet.

(2) All windmills, except single pole structures, shall be enclosed by a fence in compliance with Section 1502.10 of this Article. Such fence shall be located at



least five (5) feet from the base of such windmill. Guy wires may be located outside the fenced area

(3) No windmill for private use shall be greater than 10 kWh.

(4) No windmill for private use shall be greater than fifty (50) feet in height.

(5) No windmill shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.

(6) All electrical wiring leading from a windmill shall be located underground.

(7) Windmills may be located within the required rear or side yards provided they are no closer than 2 times their height from the nearest inhabitable structure not located on the same parcel as the windmill.

D. All environmental standards of Section 4.203 of the Brown Township Subdivision and Land Development Ordinance shall be complied with.

4. Bed and Breakfast. See Bed and Breakfast in Section 1503 herein.

5. Drive thru Facility shall be permitted as accessory to commercial uses subject to the following:

A. The Drive-thru lane or canopy shall not be located between the principal building and a public right-of-way.

B. The Drive-thru lane or canopy may be located in side yard or rear yard setback areas.

C. No drive-thru lane or canopy shall be situated less than two (2) feet from any lot line or located within twenty (20) feet of the street right-of-way.

D. No canopy shall be less than eight (8) feet six (6) inches above grade.

E. All signage except clearance or directional signs are prohibited from canopies.

F. All drive-thru facilities shall comply with applicable regulations set forth in Article XVII of this ordinance.

6. Family Burial Grounds

A. The individual to be buried must be one of the record owners of the property, or be related through blood or marriage, or an ancestor or direct descendent of a record owner of the property.

B. The burial must be under the supervision of a mortician licensed in Pennsylvania and must comply with all State regulations.

C. The place of burial must be at least five hundred (500) feet from any dwelling unit other than one owned by the owner of the property where the burial is proposed to occur.

D. A deed restriction shall be placed upon the parcel of land containing the burial ground granting perpetual access to the family and descendents of the interred.

7. Family Day Care Homes.

A. A Family Day Care Home may be permitted as an accessory use to a single-family dwelling

B. Four, five or six children who are not related to the caregiver may receive child care in a family day care home.

C. All Family Day Care Home shall hold a family child care home certificate of registration from the Pennsylvania Department of Public Welfare in order to legally operate.

D. All Family Day Care Home shall conform to 55 Pa. Code, Chapter 3290, Family Child Care Homes, as may be amended from time to time.

8. Garages and Carports. The following shall apply to private detached garages situated in rear yard setback areas of lots:

A. The accessory detached garage structure shall not exceed fifteen (15) feet in height.

B. Garages and carports shall not exceed one thousand (1,000) square feet in size.

C. Garages shall be no closer than six (6) feet to any property line.

D. All detached garages and detached carports shall be no closer than ten (10) feet to the principal dwelling.

9. Horses as Primary Transportation may be housed and maintained at single-family residential dwellings in the R-1, Rural Residential, R-2, single family residential, and R-3, Suburban Residential districts subject to the following regulations:

A. A fence shall be erected around the entire grazing area.

B. A stable or shelter shall be provided for the stabling of each horse, mule or pony, and maintained in a sanitary manner.

C. The keeping of horses and ponies is for personal primary transportation use only; no retail or wholesale use may be made of subject animals.

10. No-Impact Home-Based Businesses shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling provided all of the following criteria are met:

A. The business activity shall be compatible with the residential use of the property and surrounding Residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area;

11. Outdoor Furnaces and Heating Devices.

A. Fuel substances permitted for combustion in an exterior furnace installation shall be limited to natural gas, propane, home heating oil, coal, firewood and untreated lumber.

B. The burning and combustion of trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products, and cardboard are strictly prohibited.

C. Outdoor furnaces shall be permitted only in the Agricultural, R-1 Rural Residential, R-2 Single-Family Residential, Commercial-Highway, and Industrial Districts as shown on the Township's Zoning Map.

D. Outdoor furnaces shall be permitted only on lots of three (3) acres or more.

E. All outdoor furnaces and heating devices shall be set back not less than two hundred (200) feet from the nearest lot line.

F. Outdoor furnaces shall be operated only between September 1 and May 31, unless the furnace is being used to provide domestic water service.

G. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

H. All outdoor furnaces and heating devices shall be provided with a stack or chimney, the height of which shall be the greater of one of the following:

(1) Four (4) feet above the highest point of any structure, building or wall within a fifty-foot radius of the heating device; or

(2) A minimum of seventeen (17) feet in height measured from the ground at and on which the device is located; or

(3) Meet or exceed the manufacturer's guidelines.

I. Installation of any electrical or plumbing apparatus or device used in connection with the operation of an outdoor furnace shall be in conformity with all applicable electrical and plumbing codes and, in the absence of such code, in conformity with the manufacturer's installation specifications. Any outdoor furnace must also comply with any other county, state or federal guidelines for the same.

J. All outdoor furnaces and heating devices installed within the Township at the time of adoption of the ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

## 12. Roadside Produce Stand

A. Such stand shall not exceed four hundred (400) square feet of gross floor area and shall be for the sale of farm, nursery, or greenhouse products.

B. In the Agricultural District such stand shall be exclusively for the sale of products produced by the operators of the stand.

C. No stand shall be less than fifty (50) feet from an intersection or within ten (10) feet of any right-of-way.

## 13. Rural Occupations

A. One (1) rural occupation may be permitted as an accessory use to the principal agricultural or residential use of the property.

B. The rural occupation shall be operated by a resident of the property where the rural occupation will be located.

C. The following uses shall be considered rural occupations in Brown Township:

- (1) Retail sales of agricultural products principally produced on an active farm.
- (2) Farm machinery, equipment service and repair, small engines repair.
- (3) Arts and crafts manufacturing.
- (4) Metalworking, blacksmith and tool sharpening shops.
- (5) Carriage, buggy, wagon and related accessories, manufacturing, sales and service.
- (6) Carpenters, electricians, plumbers, masons, other construction tradespersons.
- (7) Woodworking, furniture, and cabinet making shops.
- (8) Bakeries, butchers, dry goods and similar shops.
- (9) Tailor, seamstress and shoe repair shops.

D. No rural occupation shall occupy more than 4,000 square feet of gross floor area or more than one (1) acre of lot area, inclusive of off-street parking and loading areas.

- (1) A shared access drive serving the rural occupation and the principal agricultural or residential use shall not be calculated as part of lot area of the rural occupation.

E. Retail and display areas affiliated with the rural occupation shall not exceed six hundred (600) square feet.

F. The rural occupation must be conducted within a completely enclosed building. Where feasible, the rural occupation shall be conducted within an existing building on the property.

- (1) Any new building constructed for use by the rural occupation shall be designed so that it can be converted to agricultural use, or removed, if the rural occupation is discontinued.

H. No part of a rural occupation shall be located within one hundred (100) feet of any side or rear lot line, or within three hundred (300) feet of any adjoining residential parcel or a residential district. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the rural occupation and the property or district line.

I. Rural occupations shall not be subdivided or separated from the principal use of the property.

J. Outdoor storage of supplies, materials or products shall be located behind the building in which the rural occupation is located, and shall also be screened from adjoining roads and properties.

14. Sheds, Garden and Tool Storage, Greenhouses - not exceed five hundred (500) square feet in size and fifteen (15) feet in height, and shall not be located closer than six (6) feet to side or rear lot lines.

15. Swimming Pools

A. All swimming pools with a surface area of one hundred (100) square feet or more, or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall not less than four (4) feet in height.

(1) The height of the fence shall be measured at ground level one (1) foot from the fence on the side of the barrier which faces away from the pool.

(2) A fence is not required for all swimming pools located more than four (4) feet above the ground level if provided with a retractable ladder.

B. No swimming pool may be erected in the front yard, or closer than six (6) feet to a side yard or rear yard lot line.

C. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except the door of any dwelling which forms a part of the enclosure is equipped with an alarm.

D. No permanent swimming pool structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent.

E. All pool installations shall conform to all applicable building codes.

F. Conventional wading pools less than the area and depth requirements in subsection A, above shall be exempt from fencing and filtration requirements.

G. Water from a pool shall not be discharged directly onto or within twenty (20) feet of any public right-of-way, or onto or within adjacent property without the owner's consent.

**SECTION 1504 - Specific Use Standards**

1. This section sets forth the specific use standards that shall be applied to each use identified herein, all of which shall be satisfied prior to approval of any application for a certificate of use and occupancy permit, and/or special exception use.

2. In addition to the specific use standards set forth in this section, standards and provisions in the following shall be complied with, as applicable:

A. General provisions for uses established in this Article XV.

B. Provisions for off-street parking and loading in Article XVII of this ordinance.

C. Provisions for signs established in Article XVIII of this ordinance.

D. Environmental Protection Standards in §4.203 of the Brown Township Subdivision and Land Development Ordinance.

E. The Brown Township Storm Water Management Ordinance.

F. The Brown Township Airport District Zoning-Height Ordinance.

G. All applicable federal and state statutes and laws.

3. All uses identified subsequently herein must comply with the general provisions for uses within the particular zoning district or districts in which the use is to be located. In the event different standards are established herein, the more restrictive shall apply.

### **Adult Oriented Business**

A. An adult oriented business, adult entertainment facility and/or adult oriented massage parlor shall not be permitted to be located within one thousand (1,000) feet of any other adult entertainment facility.

B. An adult oriented business, adult entertainment facility and/or adult oriented massage parlor shall not be permitted to be located within one thousand (1,000) feet from the property line of any public or private school, day care facility, playground or public recreation facility, or house of worship.

C. An adult oriented business, adult entertainment facility and/or adult oriented massage parlor shall not be located within two hundred (200) feet of the property line of any residential dwelling or residential zoning district.

D. No materials, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.

E. No specified sexual activities are permitted in adult regulated facilities.

F. Any building or structure used and occupied as an adult oriented business and/or massage parlor shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or other offered items of service shall be visible from outside the structure.

G. No sign shall be erected upon the premises depicting or giving a visual representation of the type of material, merchandise, film, service or entertainment offered therein.

H. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult oriented business and/or massage parlor, that persons under the age of eighteen (18) are not permitted to enter and warning all others that they may be offended upon entry.

I. The following activities shall not be permitted within or on the grounds of any adult oriented business: sexual intercourse, deviate sexual intercourse as defined by the Pennsylvania Crimes Code, fondling the genitals, or nudity.

### **Agriculture, Intensive**

A. Where the agribusiness activity involves a more intense use of land than found in normal farming operations such as, but not limited to, Concentrated Animal Operations and Concentrated Animal Feeding Operations, the following minimum standards shall apply in addition to provisions otherwise set forth in this ordinance:

(1) The minimum lot such agribusiness activities shall be ten (10) acres.

(2) The following setbacks are required for all structures housing the agribusiness operation, including feedlots:

(a) No less than one hundred (100) feet from any side or rear property line.

(b) Unless otherwise provided for in this section, no agribusiness activity shall be located less than one thousand (1,000) feet from any house of worship, park or playground, public or private school, or any residential dwelling not located on the same parcel as the agribusiness activity.

(c) No less than one thousand (1,000) feet from any water well not owned by the owner of the agribusiness activity.

(d) No less than three hundred (300) feet from any wildlife refuge, or natural resource protection area.

(3) Building size:

(a) No single building shall exceed fifty thousand (50,000) square feet in gross size.

(b) No combination of multiple buildings shall exceed two hundred thousand (200,000) square feet.

(4) Manure shall not be mechanically applied within one hundred (100) feet of a stream, lake, or pond, unless a vegetated buffer no less than thirty-five (35) feet in width and meeting standards established by the Act 38 of 2005, the Nutrient and Odor Management Act.

(5) A nutrient management plan, where applicable, shall be prepared in accordance with Act 38 of 2005, the Nutrient and Odor Management Act, and shall be submitted to the Mifflin County Conservation District for review and approval prior to the issuance of the zoning permit.

(6) The disposal of dead animals shall be in strict compliance with applicable standards established by the PA DEP.

(7) A land development plan shall be submitted in accordance with the requirements of the Township Subdivision and Land Development Ordinance for all new agribusiness operations.

B. Concentrated Animal Feeding Operations (CAFO) and Concentrated Animal Operations (CAO) shall comply with all current applicable federal and state regulations including but not limited to those of the United States Environmental Protection Agency (EPA), Pennsylvania Department of Environmental Protection, Pennsylvania Agriculture Communities and Rural Environmental Act (ACRE, 3 PA CSA, Section 311, et seq.), Pennsylvania Clean Streams Law and PA DEP's Manure Management Manual.

C. The location of facilities and manure storage lagoons near floodplains shall comply with the Township Floodplain Ordinance and the Pennsylvania Floodplain Management Act (Act 166 of 1978, 32 P.S., Section 679.101, et seq.), as amended.

### **Agribusiness**

A. Agribusiness activities include all economic activities of farms, including but not limited to the raising of crops and livestock, forestry, horticulture and gardening.

B. The location of facilities and manure storage lagoons near floodplains shall comply with the Township Floodplain Ordinance and the Pennsylvania Floodplain Management Act (Act 166 of 1978, 32 P.S., Section 679.101, et seq.), as amended.

C. Agricultural tourism and entertainment uses

- (1) Such uses in addition to associated retail sales shall be permitted.
- (2) The agricultural tourism or entertainment business shall be operated in association with an existing agricultural operation located on the same property, or multiple adjoining properties under the same ownership.
- (3) No more than twenty-five (25) percent of the agricultural parcel may be devoted to the agricultural tourism or entertainment uses.

D. Buildings and structures used in conjunction with the agribusiness shall conform to the following:

- (1) Located on the parcel as to minimize any adverse impact to the primary agricultural operation.
- (2) The design of all new structures used in conjunction with the agribusiness shall be as follows:
  - (a) Designed and constructed to the appearance of agricultural, residential or incidental accessory uses such as garages and barns.
  - (b) Design so that it can be readily converted to agricultural or residential use, or removed, if the agribusiness is discontinued.

G. All parking and storage for retail areas shall be screened from adjoining properties used or zoned for residential or agricultural purposes.

H. No outdoor lighting shall be installed other than normal residential dusk to dawn lighting and shall be in compliance with §4.203.J of the Brown Township Subdivision and Land Development Ordinance.

**Airport/Airstrip**

A. The approach zone to any of the proposed runway landing strips shall be in accordance with the Brown Township Airport District-Zoning Height Ordinance and all applicable Federal and/or State regulations.

B. Any building, hanger or structure shall be located, designed and operated in strict compliance with all applicable federal, state and local laws and regulations.

C. The facility must be permitted under applicable Federal Aviation Administration regulations.

D. The applicant shall maintain licensure from the Pennsylvania Department of Transportation, Bureau of Aviation

**Amusement Establishments**

A. Amusement establishments shall not be permitted within three hundred (300) feet of the property line of any public or private school, day care facility, playground or public recreation facility or house of worship.



- B. All buildings shall be adequately sound proofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- C. No audio speakers or equipment shall be installed inside or outside the location of such use that would cause sounds to emanate beyond the property line of the activity.
- D. Adult supervision shall be provided at all times at the facility.
- E. Hours of operation shall be limited to the hours between 9:00 am and 12:00 midnight if the entertainment is outdoors.

**Automotive Service and Repair Station, Automobile and Motor Vehicle Sales (New or Used)**

- A. All motor vehicles, automotive parts, refuse, and similar articles shall be stored within an enclosed building or enclosed area not visible from a public right-of-way, excepting a dealership or repair facility may store motor vehicles in operating condition and meeting Pennsylvania inspection requirements outside of a building.
- B. Fuel pumps shall be setback at least twenty-five (25) feet from any street right-of-way or fifty (50) feet from the street centerline, whichever is greater, and thirty (30) feet from all parking areas.
- C. The repair or replacement of automotive structural parts, including paint spraying and body and fender work, must take place within an approved area.

**Bed and Breakfast**

- A. The bed and breakfast shall be operated only by members of the immediate family residing therein.
- B. No more than four (4) persons may occupy one (1) guest room.
- C. At least one (1) bathroom shall be provided for each guest room in addition to at least one (1) bathroom provided for the principal residential use.
- D. Residential dwellings that are converted to a Bed and Breakfast must maintain the appearance of a single family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a street.
- E. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the bed and breakfast use. After conversion to such use, the building shall maintain the appearance of a single family dwelling.
- F. There shall be no separate cooking facilities in any guest room.

**Boarding House, Rooming House.**

- A. There shall be no more than of five (5) rental units per boarding/rooming house with a maximum of ten (10) persons.
- B. A rooming house shall be owner-occupied with the owner of the structure residing on the premises.

C. No facilities for cooking shall be provided in individual guest rooms or suites.

D. All boarding/rooming houses shall comply with applicable rules and regulations affecting health and safety administered by Federal, State or local agencies.

### **Camp or Campground**

A. The minimum lot area of any camp or campground shall be ten (10) acres.

B. All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any street line.

C. There shall be no more than twenty (20) camping sites allowed per acre.

D. Each campsite shall abut an access drive no less than twenty (20) feet in width for two-way traffic and twelve (12) feet in width for one-way access.

E. Outdoor play areas shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise and other disturbances.

F. A maximum of one (1) permanent dwelling shall occupy the lot on a year-round basis. No other structure shall be occupied on the lot for more than 6 months in any calendar year.

G. All waste from shower, toilet, and laundry facilities shall drain into an approved sewage disposal system approved by the Township.

H. Campgrounds may include a camp store for sales of routine items to campers, recreational facilities for campers, and other customary campground uses that are incidental and accessory to the principal use.

### **Carwash**

A. All carwashes shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. Automatic, semi-automatic, and self-service carwashes shall be limited to the cleaning and waxing vehicles.

C. The lot shall be graded in such a way that process water shall not run off across the lot, onto any adjacent lot, or onto a public street.

D. Public or centralized sewer and water services shall be utilized, and the recycling of grey water is required. Provision for the adequate collection and disposal of greases shall be demonstrated.

### **Cemetery**

A. Cemeteries may include mausoleums, chapels, and storage facilities for maintenance and related equipment.

B. No burial plots or facilities shall be located in set back areas.

C. Pet cemeteries must meet all of the above applicable requirements.

### **Child Day Care Facilities**

- A. All child care providers operating a program for four (4) or more children unrelated to the operator must be certified by Pennsylvania Department of Welfare.
- B. Documentation shall be filed with the Township that the facility has received approval for occupancy from the Pennsylvania the Department of Labor and Industry, where required.

### **Communications Tower**

- A. All proposed communications towers and antennas shall comply with all applicable licensing, location, construction, and operating standards established by the Federal Communications Commission, Federal Aviation Administration, PA Bureau of Aviation and applicable Township airport zoning regulations.
- B. The applicant shall demonstrate that the proposed communications antenna cannot be reasonably located on existing structures for one or more of the following reasons:
  - (1) The proposed antenna and related equipment would exceed the structural capacity of all existing structures and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment which cannot be prevented at a reasonable cost.
  - (3) There are no existing structures that have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (4) The addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - (5) There are no willing or able landowners.
- C. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot, which lot meets the minimum lot area requirements for the zoning district.
- D. A land development plan shall be required for a new or leased parcel on which a communications tower is to be constructed.
- E. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- F. The maximum height of any communications tower shall be one hundred fifty (150) feet.
  - (1) The height may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.

G. In residential districts, the base of a communications tower shall be landscaped so as to screen the foundations and base and communications equipment building from abutting properties.

H. The communications equipment building shall comply with the required yard setbacks and height requirements of the applicable zoning district for an accessory structure.

I. A Pennsylvania registered professional engineer shall certify that the proposed tower will be designed and constructed in accordance with the current revision of EIA 222 "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Alliance/Telecommunications Industry Association.

J. A copy of owner/operators current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower and a certificate of insurance for general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas shall be filed with Brown Township.

K. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. The guy wires shall be clearly marked as to make the wires visible in the dark. Such markings are not to include lights.

L. The site of a communications tower shall be secured by a fence to limit accessibility by the general public.

M. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency.

N. The owner, licensee or operator shall annually certify to Brown Township that the tower is structurally sound and remains in use.

O. Communications towers and facilities must be removed within one (1) year after cessation of use.

(1) Sufficient security in an amount to be determined by the Zoning Hearing Board shall be posted by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the removal

P. Communications antennas shall not cause radio frequency interference with other communications facilities located in Brown Township.

Q. All communications antennas proposed to be mounted on an existing building or structure shall comply with the following:

(1) Such antennas may exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.

(2) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(3) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

(4) A Pennsylvania registered professional engineer shall certify that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(5) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure shall be submitted for review by the Township Engineer for compliance with Township ordinances.

(6) Agreements and/or easements providing access to the building or structure on which the antennas are to be mounted for installation and maintenance of the antennas and communications equipment building shall be filed with the Township Board of Supervisors' Office.

### **Community Center, Club, Grange Hall**

A. If the club is a private membership establishment and caters exclusively to members and their guests, documentation shall be filed with the Township identifying the club as a non-profit organization under Section 5.01(c) of the Internal Revenue Code.

B. All outdoor recreational areas shall be set back at least fifty (50) feet from any property line abutting a residential dwelling.

### **Convenience Store**

A. All outdoor lighting shall comply with Section 4.203 of the Township Subdivision and Land Development Ordinance and will not create a significant nuisance to existing and future residential dwellings.

B. If a convenience store serves prepared food that is to be consumed on site, it shall comply with the provisions for a restaurant included in this section.

C. Fuel pumps shall be setback at least twenty-five (25) feet from any street right-of-way or fifty (50) feet from the street centerline, whichever is greater, and thirty (30) feet from all parking areas.

D. All drive-through facilities shall comply with provisions of Article XV of the Brown Township Zoning Ordinance.

### **Conversion Apartment House**

A. No more than five (5) conversion apartments shall be permitted per single-family dwelling.

B. The minimum habitable floor area shall not be less than four hundred fifty (450) square feet per dwelling unit.

C. No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety. Fire escapes, where required by other regulatory statutes, shall be in the rear of the building and shall not be located on any wall facing a street.

D. Two (2) additional off-street parking space shall be provided for each conversion apartment.

**Correctional and Penal Institution**

- A. All public and private correctional and penal institutions, including federal, state and county jails, prisons, and Juvenile Detention Facilities shall comply with all applicable federal, state and local regulations and laws regarding such facilities.
- B. No correctional facility shall be located within five hundred (500) feet of a residential zoning district
- C. The minimum lot area of any correctional facility shall be five (5) acres.
- D. No building or structure including any fence or wall shall be setback at least seventy-five (75) feet from all public rights-of-way and all property lines.

**Country Club** - Country Clubs, whether public or private, shall comply with the standards set forth in this Section for Community Centers and Golf Courses, as applicable.

**Crematorium**

- A. Documentation that all applicable federal, state and local permits have been obtained shall be filed with the Township.
- B. The facility shall be constructed, installed, operated and maintained consistent with all manufacturers' specifications and all applicable federal, state and local permits.
- C. No offensive odor shall extend beyond the property boundaries. For the purpose of this ordinance, an offensive odor is an unpleasant odor extending beyond the property boundaries discernable by two (2) or more Township officials within a 24 hour period.
- D. No crematorium shall be located within five hundred (500) feet from any residential dwelling.

**Electric Generation Facility**

- A. This subsection shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- B. Non-public utility electrical generation facilities shall be permitted in the Commercial-Highway and Industrial Districts.
- C. A fence of sufficient height to restrict access shall be installed around all electrical generating facilities.
- D. Copies of all required licenses and permits from applicable federal, state and local governmental agencies shall be filed with the Township.
- E. The name, address and emergency telephone number for the operator of the electrical generating facility shall be supplied to the Township.
- F. The facility operator shall provide evidence to the Township of a Certificate of Insurance evidencing general liability and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the electric generating facility.

G. If the facility remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the facility within six (6) months of notice to do so by the Township.

(1) The owner or operator of the facility shall post security in a form acceptable to the Township favoring the Township in an amount to cover removal of the facility and site clean up.

H. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree screen pursuant to this Article XV so as to form an effective visual barrier.

I. The following provisions shall apply to all Wind Power Generating Facilities:

(1) The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily according to industry standards. No windmill that is taller than this minimum height shall be approved.

(2) No windmill shall be located closer to any property line than its height plus the normal setback for the district.

(3) No windmill shall be located less than five hundred (500) feet from a residential dwelling not owned by the owner of the wind farm or residential zone boundary.

(4) The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.

(5) All windmills shall be fitted with anti-climbing devices, as approved by the manufacturer(s).

(6) The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed windmill(s) and support structure(s) will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code.

(7) All windmills shall comply with all applicable Federal Aviation Administration (FAA), or successor agency and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA or PA DOT Bureau of Aviation requirements.

### **Financial Institution**

A. Drive-through facilities affiliated with a financial institution shall comply with this Article XV.

### **Fitness and Health Centers**

A. Fitness and health centers may include a snack bar or café that is incidental and accessory to the principal use.

### **Funeral Homes**

A. Evidence that the use is in compliance with all applicable federal, state, and local statutes or ordinances and required permits and licenses shall be filed with the Township.

B. A crematory may be permitted as an accessory use to a mortuary provided the use complies with all provisions for a crematorium set forth in this section.

### **Golf Course**

A. The minimum lot area for all golf courses shall be as follows:

- (1) Standard 18 Hole - 110 acres.
- (2) Par 3 18 Hole - 50 acres.
- (3) Standard Nine Hole - 50 acres.
- (4) Driving range or Chip and putt – 10 acres.
- (5) Miniature golf course - 1 acres.

B. A golf course, chip and putt course or miniature golf course may include a restaurant, food stand, pro shop or clubhouse that is incidental and accessory to the principal use.

C. No fairway, tee box or green shall be located closer than one hundred (100) feet to the property line of an existing residential dwelling or to the existing right-of-way line of any public street.

**Government Facility** – See Municipal Building, Park, Playground or Recreational Facility in this section.

### **Group Home**

A. There shall be adequate supervision by person(s) trained in the field for which the group home is intended.

- (1) Such adequacy shall be determined by the Pennsylvania Department of Public Welfare.

B. Any group home involving three (3) or more unrelated persons living in a dwelling unit or that is otherwise required to be licensed or certified under any applicable federal, state or local program shall be certified or licensed, as applicable, as a condition of Township approval. A copy of any such license or certification shall be filed with the Township and shall be required to be shown to the Zoning Officer upon request. The group home shall notify the Township, in writing, within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

C. For fire and safety purposes, the group home shall register with the Township its location, sponsoring agency, general type of treatment/care, maximum number of residents permitted and the exact location of the bedrooms of the individuals who need assistance with evacuation in the event of any actual fire. Such information shall be available for public review upon request.

D. A group home shall not house persons who can reasonably be considered to be a physical threat to others, as determined by the Pennsylvania Department of Public Welfare.



E. The number of persons who may reside in a group home shall not restrict or include bona fide employees who are needed in the group home to supervise and care for residents.

### **Gun Club/Shooting Range**

A. These provisions shall apply to gun clubs, indoor and outdoor shooting ranges, archery ranges, and trap or skeet shooting areas.

B. All outdoor shooting ranges shall have a lot area of at least ten (10) acres.

C. The facility shall comply with all applicable Federal, State, and Local regulations, including but not limited to, those pertaining to the use and storage of weapons and ammunition.

D. The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range, or according to national standards for archery ranges, whichever applies. The range shall be used for only the type of firearms and arrows for which it is designed to accommodate. The range shall be operated in strict accordance with the National Rifle Association's standards for operation and safety.

E. The range shall not be lighted for nighttime use.

F. The safety of the adjoining properties shall be a primary consideration in the location and design of the facility. Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street line, and must be at least one thousand (1,000) feet from any existing residential dwelling that is not on the same property.

G. All outdoor shooting ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately provide for the public safety. Such barrier shall prevent the ball, bullet or arrow from traveling more than fifteen (15) yards beyond the target.

H. All areas adjacent to or abutting residential uses or residential zoning districts shall provide a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to this Article XV so as to form an effective visual barrier.

### **Heliport/Helipad**

A. These provisions shall not apply to a helipad accessory to a hospital or other emergency or public safety facility and located on the same property as the principal use.

B. All heliports and helipads shall be approved and shall meet all the applicable federal and state aviation regulations.

### **Home Occupation**

A. A Home Occupation may be a barber shop or beauty shop, a pet grooming business, a real estate agent's or insurance agent's office, physician offices, dental offices, attorney offices, bake shops, handcraft shops, or similar uses.

B. The home occupation shall be primarily conducted by members of the family who reside in the house; however, there may be no more than one (1) non-resident employee.

C. The use shall be conducted entirely within the principal building and shall not exceed twenty-five percent (25%) of the total habitable floor area of the building.

D. The character or external appearance of the dwelling unit must be that of a dwelling, and will not involve any dimensional alteration to any existing building, or construction or placement of any new building.

E. The premises must at all times be kept neat and orderly.

F. The use will not result in a substantial increase in traffic.

G. Two (2) off-street parking spaces shall be provided for visitors and a non-resident employee, in addition to those required for the residential use.

H. Home Occupations such as Notary Public, insurance, tax preparation, and similar uses, where the sole employee is an occupant of the residence, shall provide one (1) off-street parking space for visitors.

### **Hospital (Medical Center)**

A. The minimum lot area of any hospital or medical center shall be five (5) acres.

B. A hospital or medical center shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

C. A minimum of two (2) points of access in compliance with the requirements of all applicable local regulations.

D. A hospital or medical center may include various accessory uses that are customarily incidental to and in direct support of the primary health care mission of the hospital or medical center, including but not limited to medical and administrative offices, medical laboratory or blood donor station, patient hostel and staff dormitory, ambulance service, pharmacy and gift shop.

E. The principal and accessory uses comprising the hospital or medical center may be located in a single building or may consist of several buildings located on one (1) or more lots.

F. The required number of parking spaces shall be the sum of the parking requirements for each separate principal and accessory use.

G. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed use and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with the Brown Township Subdivision and Land Development Ordinance and identify any resulting traffic congestion or safety problems, as well as mitigation measures.

H. All parking areas shall be screened from adjacent or abutting residential uses by a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to this Article XV so as to form an effective visual barrier.

**Hotel**

- A. The minimum lot area for all hotels (or motels) shall be two (2) acres.
- B. Public water and public sewer service must be provided to all buildings affiliated with the use.
- C. All hotels (and motels) with more than fifty (50) rooms shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.
- D. The height limit for principal buildings may exceed forty (40) feet as long as each required setback is increased in width one (1) foot for each additional foot of height over forty (40) feet.
- E. A restaurant, meeting rooms, ballrooms and other convention type facilities may be permitted as accessory uses.
- F. Individual guest rooms and suites may include partial facilities for cooking.
- G. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed use and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with the Brown Township Subdivision and Land Development Ordinance and identify any resulting traffic congestion or safety problems, as well as mitigation measures.
- H. All parking areas shall be screened from adjacent or abutting residential uses by a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to this Article XV so as to form an effective visual barrier.

**House of Worship**

- A. Evidence that the proposed use is a bona fide nonprofit religious organization shall be filed with the Township.
- B. All parking areas in excess of fifty (50) spaces shall be screened from adjacent or abutting residential uses by a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to this Article XV so as to form an effective visual barrier.

**Junkyard, Auto Recycling Center**

- A. All junkyards, auto-recycling centers or similar uses shall have a minimum lot area of ten (10) acres.
- B. The minimum lot width shall be five hundred (500) feet.
- C. No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.
- D. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.
- E. All junkyards and similar uses shall be completely surrounded by an eight (8) foot high solid fence wall. Said fence or wall shall not be located in setback areas or within required buffer areas.

F. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree Screen pursuant to this Article XV so as to form an effective visual barrier.

### **Kennel**

A. Kennels and animal shelters shall have a minimum lot area of three (3) acres.

B. All kennels shall fully comply with PA Act 225 of 1982 (P.L.784, No. 225, 3 P.S. Section 459-101, et seq.), known as the Dog Law, as amended.

C. No kennel or animal shelter shall be located closer than five hundred (500) feet from any residential use or residential district.

D. All kennels, fenced enclosures and runs shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise, odor and other disturbances. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a Fence and Vegetative Screen pursuant to this Article XV so as to form an effective visual barrier.

E. Provision shall be made for adequate disposal of animal waste.

F. Animals being boarded or bred must be either domestic canines or domestic felines.

### **Landfill, Sanitary and Resource Recovery Facility**

A. All sanitary landfills, resource recovery centers, recycling centers or similar uses shall have a minimum lot area of fifty (50) acres.

B. The minimum lot width shall be five hundred (500) feet.

C. No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.

D. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

E. All landfills or similar uses shall be completely surrounded by an eight (8) foot high fence so constructed that no opening will be greater than six (6) inches in any dimension. Said fence shall not be located in setback areas or within required buffer areas.

F. All buffer areas adjacent to or abutting residential or institutional uses or residential zoning districts shall provide an Evergreen Tree Screen pursuant to this Article XV so as to form an effective visual barrier.

G. Must comply with all applicable requirements of the Pennsylvania Department of Environmental Resources.

### **Laundry/Dry Cleaning**

A. All dry cleaning establishments shall be in compliance with the Uniform Construction Code, as amended.

B. Any drive-through facilities shall comply with § 1503.5 of Article XV.

### **Life Care Community**

A. All facilities designed for the residence and care of elderly persons and providing a continuum of care and services shall comply with all applicable federal, state and local licensing and regulatory standards.

B. Facilities that provide skilled nursing shall comply with the provisions for Nursing Homes herein.

C. These facilities may include a community center, personal service shops, recreation areas and common open areas.

D. Age-restricted communities that do not provide a continuum of care or skilled nursing services shall not be considered as life-care communities.

### **Manufacturing, Heavy and Light**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree Screen pursuant to this Article XV so as to form an effective visual barrier.

**Massage Parlor** – See Adult Oriented Uses.

### **Medical Office or Medical Clinic**

A. A medical office or medical clinic may include administrative offices, waiting rooms, treatment rooms, pharmacies and dispensaries directly associated with the medical office or medical clinic.

B. Services provided shall be those that do not require overnight stay.

C. The facility shall comply with all applicable federal, state, and local regulations and shall be licensed as required by the Commonwealth of Pennsylvania.

### **Methadone Treatment Facilities**

A. Notwithstanding any other provision of law to the contrary and except as provided in subsection B, a methadone treatment facility shall not be established or operated within one thousand (1000) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

(1) The provisions of this subsection 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 one thousand (1000) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

B. Notwithstanding subsection A, a methadone treatment facility may be established and operated closer than one thousand (1000) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse 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 fourteen (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 one thousand (1000) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one (1) 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 one thousand (1000) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to said public hearings occurring.

C. This section shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.

D. 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.

### **Mineral Extraction and Processing**

A. All Mineral Extraction and Processing operations and facilities shall comply with the most current amendment of, but not limited to, the following statutes, as applicable:

(1) Act of May 31, 1945 (P.L.1198, No. 418), known as the “Surface Mining Conservation and Reclamation Act.”

(2) Act of December 19, 1984 (P.L.1093, No. 219), known as the “Noncoal Surface Mining Conservation and Reclamation Act.”

(3) Act of December 19, 1984 (P.L.1140, No. 223), known as the “Oil and Gas Act.”

(4) To the extent that the subsidence impacts of coal extraction are regulated by the Act of April 27, 1966 (1ST Sp. Sess., P.L.31, No. 1), known as “The Bituminous Mine Subsidence and Land Conservation Act,”

B. Evidence of compliance to the applicable statute(s) in subsection A shall be filed with Brown Township.

### **Mini-Storage**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. Structures containing individual storage units shall be limited to one story and shall not exceed twelve (12) feet in height.

C. Each individual storage unit shall abut a paved access drive.

D. Access drives shall be at least fifteen (15) feet wide.

E. No storage outside of individual units shall be permitted, except for approved vehicle storage areas.

F. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a Fence and Vegetative Screen pursuant to this Article XV so as to form an effective visual barrier.

G. The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials, or materials that emit noxious odors shall be permitted.

H. A self-storage facility may include an office/residence for an on-site manager/care taker as part of the principal use and shall be occupied as a dwelling by only the manager/care taker and his or her family.

### **Mixed-use/Mixed Occupancy Building**

A. The uses permitted shall be only those permitted principal uses within the Zoning District where mixed-use and mixed-occupancy buildings are permitted.

B. The minimum lot area and minimum lot width for a mixed-use or mixed occupancy building shall comply with the minimum requirements for a non-residential building within that Zoning District.

C. Where a residential use is proposed within a mixed use building, such residential use shall not be permitted on the street level floor.

D. Each separate use within a mixed- use building shall be required to apply for separate zoning and occupancy permits.

### **Mobile or Manufactured Home Park**

A. All applicable provisions of Article 5 of the Brown Township Subdivision and Land Development Ordinance shall be met, including but not limited to roads, water and sewage, and stormwater management.

B. The minimum lot area of all mobile home parks shall be ten (10) acres and a maximum overall density of no more than five (5) mobile homes per acre.

C. All mobile home parks shall meet the yard setback requirements for single family detached dwellings in the Agricultural District.

D. All mobile home parks shall be served by a centralized or public sewer and water system.

**Motel** – See Hotel.

### **Motor Freight Terminals**

A. The minimum lot area of any motor freight terminal shall be five (5) acres.

B. All Motor Freight Terminals shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

C. A buffer yard of at least one hundred fifty (150) feet shall be provided if adjacent to a residential or institutional use or residential zoning district.

D. All buffer areas adjacent to or abutting residential or institutional uses or residential zoning districts shall provide an Evergreen Tree Screen pursuant to this Article XV so as to form an effective visual barrier.

### **Multi-family Dwellings**

A. The maximum permitted residential density shall be six (6) dwelling units to the acre.

B. The maximum number of dwelling units in an apartment building shall be eight (8) dwelling units.

C. The off-street parking requirement may be reduced to one (1) space per unit if the apartments are designed for elderly or handicapped residents and limited to one-bedroom units. All parking spaces shall be located in a common parking area. A maximum of two access driveways are permitted to provide access to the common parking area from public streets. Under no circumstances shall parking be permitted at the edges of the development adjacent to existing public streets.

D. The minimum separation between apartment or condominium buildings shall be fifty (50) feet.

E. A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping, and other features necessary to evaluate the proposed site design.

### **Municipal Building, Park, Playground or Recreational Facility**

A. Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties, and to insure an attractive appearance for the use.

B. A park designed for passive recreational purposes shall be permitted without regard to the minimum lot area regulation of the district in which it is located, provided, however, such use shall meet all provisions set forth herein.

### **Nature Preserve/Wildlife Sanctuary**

A. The minimum lot area shall be ten (10) acres in size.

B. No animal, not indigenous to Pennsylvania, and which is dangerous or capable of causing harm to persons or damage to property shall be permitted to roam free.

C. Every barn, animal shelter, stable, cage, feed yard or manure storage area shall be at least three hundred (300) feet from all lot lines, residential district boundaries and dwellings except the dwelling of the owner or lessee.

### **Nightclub.**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. No nightclub shall be located within two hundred (200) feet of a residential dwelling or residential zoning district.



C. A nightclub shall not be located within one thousand (1,000) feet of any public or private school, day care facility, playground or public recreation facility, or house of worship.

D. A nightclub shall be completely enclosed within a building, with no outside music or entertainment.

E. Nightclubs may offer the retail sale of carry-out beer and wine as an accessory use.

F. This use does not include adult-oriented business uses as defined herein.

### **Nursing Home/Residential Care Facilities**

A. Minimum lot area shall not be less than one thousand (1,000) square feet per bed, but in no case shall the lot area be reduced below that required for the zoning district in which such facility is to be constructed.

B. The facility shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

C. Public sewer and public water must be utilized.

D. Buffers and screens shall be provided as necessary to adequately protect residents from existing non-residential properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

E. All nursing homes and residential care facilities must comply with all applicable requirements of State and Federal laws and regulations, including but not limited to Pennsylvania Department of Welfare and the Department of Labor and Industry.

### **Off-Track Betting Parlor**

A. The facility shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. No off-track betting parlor shall be located within two hundred (200) feet of a residential dwelling or residential zoning district.

C. No off-track betting parlor shall be located within one thousand (1,000) feet of any public or private school, day care facility, playground or public recreation facility or house of worship, or any other off-track betting parlor.

D. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein.

### **Parking Facilities**

A. The facility shall be primarily used for the parking of passenger vehicles.

B. The facility shall not be used for the sales, long term storage, repair, or servicing of automobiles.

C. Not more than seventy-five (75) percent of the lot shall be covered with impervious surfaces.

D. None of the paved area shall be closer than ten (10) feet from any property line, lot line or street line, except for entrance or exit driveways.

E. To protect other vehicles and pedestrians in the immediate area, railing, fencing, posts, and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits. In addition, there shall be provided a wheel block securely anchored into the ground for each peripheral parking space.

F. No advertising sign may be located on the facility.

G. All parking facilities, including spaces and drive aisles shall meet the design and construction standards set forth in Article XII of this Ordinance.

H. A fence or hedge no less than three (3) feet in height shall be placed sufficient to screen the use from all roadways, adjoining properties, and any location in a residential district and from any existing dwelling in any district.

I. The provisions set forth herein shall not apply to a parking garage within a mixed-use building.

### **Passenger Transportation Terminal**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. An area for the loading and unloading of buses separate from required off-street parking areas shall be provided.

C. Passenger transportation terminals may include ticket offices, luggage checking facilities, lunch counter and similar facilities as accessory uses.

D. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree Screen pursuant to this Article XV so as to form an effective visual barrier.

### **Postal and Courier Services**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. Except in the Village Center District, all buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree Screen pursuant to this Article XV so as to form an effective visual barrier.

### **Public Utility**

A. This section shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

B. There shall be no specified minimum lot area, however, each lot shall provide front, side and rear yards in accordance with the regulations of the zone in which the building is located.

C. Un-housed equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. In the residential or village center districts, such fence must be surrounded by evergreen plantings.

D. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.

E. The external design of the building shall be consistent with the predominant architecture in the district.

### **Recreational Facility (Private)**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. The minimum lot area for all outdoor recreational facilities shall be two (2) acres.

C. If the recreational facility includes an accessory indoor amusement area, such use shall comply with the Amusement Establishment standards provided herein.

D. Where an outdoor recreational facility abuts a residential dwelling or residential zoning district, a fence and vegetative screen pursuant to Article XV shall be provided so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.

E. Outdoor recreational facilities shall be permitted to operate only between the hours of 7:00 a.m. and 10:00 p.m.

F. All outdoor lighting shall be installed in compliance with the environmental requirements of Section 4.203.J of the Township Subdivision and Land Development Ordinance

### **Restaurants**

A. All restaurants larger than one hundred fifty (150) seats shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

(1) When this use is adjacent to, or on the same lot with a shopping center or group of commercial uses, it shall use the common access with the other business establishments, if applicable.

B. Where a drive-thru window is proposed, a stacking lane not less than one hundred twenty (120) feet shall be provided.

C. A clearly delineated pedestrian walkway shall be provided between any existing sidewalk and the entrance to the restaurant.

D. All exterior seating areas shall be separated from all access drives and parking areas fencing or landscaped buffer.

(1) Any play areas shall be completely enclosed by a minimum three (3) foot high fence.

E. All portions of the parking area shall be adequately illuminated in compliance with the lighting standards in Section 4.203.J of the Brown Township Subdivision and Land Development Ordinance.

F. An exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties in compliance with §4.203K of the Brown Township Subdivision and Land Development Ordinance.

G. All signage shall comply with Article XVI of this Ordinance.

(1) An outdoor menu board for drive-thru service shall not be considered a sign as long as its predominant use is clearly for listing food items and their costs and it is legible only to persons in the drive-thru lane.

H. Covered trash receptacles shall be provided outside the restaurant for patron use in addition to a plan for the cleanup of litter.

I. Outdoor storage of trash shall be within an enclosed area and screened from view of adjacent streets, dwellings or residential districts.

J. Requirements for off-street parking, and the design and construction of all off-street parking areas and access drives shall be in compliance with Article XVII of this ordinance, and Article 4 of the Brown Township Subdivision and Land Development Ordinance.

K. All off-street loading and service areas shall be screened from the street and adjacent properties in accordance with Article XVII of this ordinance.

L. Fast Food Restaurants, Food Stands and similar establishments shall not include the sale of alcoholic beverages.

### **Sawmills**

A. All machinery used in the sawmill operation shall be located at least five hundred (500) feet from any residential dwelling or residential zoning district.

B. All power saws and machinery shall be secured against tampering and locked when not in use.

C. All sawmill by-products, except products composted on site, shall be disposed of on a frequent and regular basis.

D. Portable sawmill operations shall not be operational on a parcel not owned by the owner/operator for longer than six (6) months. A temporary use permit shall be required prior to the beginning of operations and shall indicate the termination date of said operation, except operations of less than one (1) week duration.

E. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree screen pursuant to this Article XV so as to form an effective visual barrier.

### **Schools - Commercial, Public and Private, Vocational-Mechanical Trade**

A. The following information shall be furnished:

- (1) Detailed plot plan indicating location and intended use of existing and proposed buildings, location of recreation areas, the relationship of the proposed use to existing streets and adjacent properties.
  - (2) Complete set of architectural plans.
  - (3) Grade levels of the pupils to be housed in the buildings.
  - (4) Planned pupil capacity of such buildings and the contemplated eventual enrollment of the school.
- B. All buildings shall be set back at least one hundred (100) feet from any abutting property zoned for or in residential use.
- C. All vocational activities including maintenance, repair, rebuilding, and construction training shall be conducted within a completely enclosed building.
- D. Student loading and unloading areas shall be provided on site and arranged so that the students do not have to cross traffic lanes on or adjacent to the site.

### **Shopping Center**

- A. The shopping center shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.
- B. Off-street parking shall be provided in accordance with Article XVII of this ordinance.
- C. Storm water drainage requirements of §4.209 of the Township's Subdivision and Land Development ordinance must be complied with.
- D. All parking areas shall be design and constructed in accordance with all provisions in Article XVII of this ordinance, and Article 4 of the Township Subdivision and Land Development Ordinance.
- E. The use shall be connected to a centralized water and sewerage system.
- F. All retail uses associated with the shopping center but not located within an enclosed building, such as in an interior courtyard, shall be considered a Retail Store or stores and regulated accordingly.
- G. The applicant shall furnish a traffic impact study based upon the expected number of vehicle trips generated from the proposed use and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with §4.216 of the Brown Township Subdivision and Land Development Ordinance and identify any resulting traffic congestion or safety problems, as well as mitigation measures.
- H. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to this Article XV so as to form an effective visual barrier.

### **Stable and Riding Academy.**

- A. This includes the keeping of horses or similar animals for use by other than a single household.
- B. The use shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

C. When abutting a residential property, all stables or shelters shall be erected no less than fifty (50) feet of any side or rear property line.

D. Stables or other shelters shall be provided for the stabling of all horses, and maintained in a sanitary manner.

E. Outdoor illumination shall comply with the provisions of Section 4.203 of the Township Subdivision and Land Development Ordinance.

F. All parking lots and unimproved overflow parking areas shall be set back at least ten (10) feet from abutting property lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across abutting and adjacent properties.

G. All animal waste shall be regularly cleaned up and properly disposed of in a way that prevents objectionable odor at the site's property line.

H. If the stable or riding academy is accessory to an active agricultural operation, said use shall comply with the provisions for an Agribusiness as set forth herein.

### **Stockyard/Slaughterhouse**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. All animal waste shall be regularly cleaned up and properly disposed of in a way that prevents objectionable odor at the site's property line.

C. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within five hundred (500) feet of any residential dwelling or residential zoning district.

D. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a Mixed Vegetative Screen or a Berm and Vegetative Screen pursuant to this Article XV so as to form an effective visual barrier.

### **Taverns, Bars or Pubs**

A. In addition to taverns, bars and pubs the use may include, but not be limited to, beer gardens, cocktail lounges, saloons, and taprooms. A nightclub, where entertainment is the primary use, shall not be included in this definition.

B. All taverns, bars and pubs shall comply with all state and local codes regulating such establishments including but not limited to the Liquor Code (Act 21 of April 12, 1951, P.L. 90; as reenacted by Act 14 of June 29, 1987, P.L. 32, 47 P.S., Section 1-101, et seq. as amended).

C. All taverns, bars and pubs shall hold a valid license for the premise in which the establishment is located.

D. All taverns, bars and pubs, unless the establishment holds an Club (C), Catering Club (CC), or Extended Hours Food (EHF) license from the Pennsylvania Liquor Control Board, shall only operate between the hours of 7:00 a.m. and 2:30 a.m. the following day.

E. No tavern, bar or pub shall contain less than three hundred (300) square feet of usable floor area.

F. Entertainment may be permitted as an accessory use.

### **Theater**

A. The minimum lot area of any theater in the Commercial or Commercial Highway zoning districts shall be two (2) acres.

B. All theaters in the Commercial or Commercial Highway zoning districts shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

(1) When this use is adjacent to, or on the same lot with a shopping center or group of commercial uses, it shall use the common access with the other business establishments, if applicable

### **Truck Stop/Travel Center**

A. The minimum lot area of any truck stop or travel center shall be five (5) acres.

B. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

C. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree screen pursuant to this Article XV so as to form an effective visual barrier.

### **Veterinarian/Animal Hospital**

A. A minimum lot area of at least three (3) acres shall be required for all veterinarians or animal hospitals treating large animals, including but not limited to cattle, horses, and other livestock.

B. All buildings in which animals are housed or provided care shall be located at least two hundred (200) feet from the property line of a residential dwelling or residential zoning district.

C. Buildings shall be adequately soundproofed so that sounds outside the building will be minimized and not result in a nuisance.

D. All kennels, fenced enclosures and runs shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise, odor and other disturbances. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a Fence and Vegetative Screen pursuant to Article XV so as to form an effective visual barrier.

### **Warehousing and Wholesale Distribution Centers**

A. All such uses shall have direct vehicular access onto a street designed and constructed to PennDOT arterial or collector road standards.

B. A warehouse facility shall have a minimum lot area of two (2) acres. A wholesale facility shall have a minimum lot area of three (3) acres.

C. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide an Evergreen Tree screen pursuant to this Article XV so as to form an effective visual barrier.

**Wind Energy System, Small**

A. All permitted and special exception non-residential uses in the Commercial, Commercial Highway, or Industrial zoning districts shall be permitted one (1) Small Wind Energy System.

C. Small Wind Energy Systems shall comply with the following:

(1) No small wind energy system shall be located on a parcel less than forty-five thousand (45,000) square feet.

(2) All windmills, except single pole structures, shall be enclosed by a fence in compliance with Article XV. Such fence shall be located at least five (5) feet from the base of such windmill. Guy wires may be located outside the fenced area if clearly marked.

(3) No small wind energy system in conjunction with a non-residential use shall be greater than 100 kWh.

(4) No small wind energy system in conjunction with a non-residential use shall be greater than one hundred (100) feet in height.

(5) No small wind energy system in conjunction with a non-residential use shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.

(6) All electrical wiring leading from a windmill shall be located underground.

(7) Windmills may be located within the required rear or side yards provided they are no closer than two (2) times their height from the nearest inhabitable structure.

D. All windmills shall be fitted with anti-climbing devices, as approved by the manufacturer(s).

E. All environmental standards of Section 4.203 of the Brown Township Subdivision and Land Development Ordinance shall be complied with.



## ARTICLE XVI

### SIGNS

#### **SECTION 1601 - Purpose**

1. The purpose of this Article is to
  - A. Allow for signs as a means of visual communications while creating standards that ensure the overall aesthetic quality of those signs.
  - B. Set forth reasonable time, place, and manner standards that do not infringe on free speech rights.
  - C. Prohibit a sign that would be distracting to motorists, such as described in the following section.
  - D. Minimize adverse effects on nearby properties.
  - E. Enhance the economic value of the community.
2. A Zoning Permit shall be required for the erection of a new sign or any change to an existing sign that is shown as requiring a permit by the tables in Section 1606.

#### **SECTION 1602 - General Regulations**

1. Signs shall reflect the general character of the neighborhood.
2. Signs shall be constructed of durable materials and shall be maintained in good condition and repair.
3. When a sign becomes unsafe, the Zoning Officer shall give written notice to the property owner or lessee to repair or remove the unsafe sign.
4. Any sign shall be removed within three (3) months if the use for which it was erected is abandoned. This shall not apply to a vacant building that is clearly being offered for sale or lease to new tenants, provided that the commercial message of the sign is removed or covered.
5. No temporary signs shall be permitted unless specifically authorized herein.
6. Permanent signs shall be securely and permanently attached to their support structure, a building, or the ground.
7. Signs shall not be attached to utility poles, traffic control signs, fire hydrants, or similar items.
8. Signs shall not have any lighting that constitutes a public safety or traffic hazard.
9. Signs shall not imitate in any way an official traffic sign or signal or other governmental sign, such as using the words “stop” or “danger” or by using red, green, or yellow lights.
10. Signs shall not include a revolving or flashing light resembling an emergency vehicle or facility.
11. Signs shall not advertise products or services that are in any way illegal.
12. Signs shall not include words, phrases, or pictures that are considered to be vulgar, obscene, or pornographic.

13. Signs shall not include animated, sequential, intermittent, flashing, oscillating, or rotating elements. Time and temperature displays may be permitted provided they do not include any of the aforementioned prohibited elements.

14. Signs shall not emit smoke, vapors, particles, sounds, or odors.

15. Open flames shall not be used in a sign or to otherwise attract attention.

16. Searchlights, beacons, lasers, and similar lights are considered signs and shall not be permitted.

17. The light from an illuminated sign shall not adversely affect (1) the safe vision of operators of motor vehicles on nearby roads, driveways, and parking areas, (2) the residents of the A, R-1, R-2, R-3, or VC zoning districts, or (3) any part of a building used for residential purposes.

18. Special attention shall be paid to the proper shielding of externally illuminated signs.

19. Unless otherwise permitted within this Ordinance, a sign shall only include information related to the property on which it is located.

### **SECTION 1603 - Sign Location**

1. No sign shall be located within a street right-of-way, except a government sign or other sign approved by the Board of Supervisors or the Pennsylvania Department of Transportation

2. No sign shall be located in an easement for stormwater, public water, public sewer, or similar use.

3. No sign shall be attached to a utility pole, fence, tree, fire hydrant or other object not intended to hold a sign.

4. No sign shall be located in a clear sight triangle or other area required to be kept clear by this or another ordinance.

5. Freestanding signs shall be set back ten (10) feet from side and rear property lines. Sign setback distances shall apply to all portions of the sign and the support structure.

6. No sign shall be located so as to block a sidewalk, fire escape, access door or any other area designed for pedestrian use.

7. A sign located over a pedestrian area shall be at least ten (10) feet above the walking surface.

8. A sign located over a vehicle driving area shall be at least eighteen (18) feet above the driving surface.

### **SECTION 1604 - Sign Dimensions**

1. Sign area. The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all letters, symbols, figures, designs, or other display elements of the sign.

A. When the sign is a separate unit, the area shall include any borders, framing, trim, background and space between elements. Structural support members shall not be included unless they contain design or display elements.

B. When the sign consists of individual elements attached to or painted on a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface to which it is attached.

- C. The maximum area of a sign shall be applied to each sign face, provided that the faces are no more than five (5) feet apart at any point.
- 2. Sign height. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign.
  - A. The ground elevation at the base of a sign shall not be artificially increased so as to increase the maximum height of the sign.
  - B. No sign shall exceed the height limitation of the zoning district in which it is located.
  - C. Wall signs shall not extend higher than the top of the wall to which they are attached.
  - D. Sign projection. Any sign attached to a wall or other surface shall project no more than twelve (12) inches away from the surface to which it is attached.

### **SECTION 1605 - Nonconforming Signs**

- 1. Signs legally existing at the time of enactment or amendment of this ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming signs.
- 2. Nonconforming signs may continue to be used and may be modified and replaced provided that the modified or new sign does not increase the nonconformity in any way.
- 3. Nonconforming signs shall be removed in accordance with Section 1602.4.

### **SECTION 1606 - Specific Sign Requirements**

The following two tables list specific requirement for Permanent and Temporary signs.

## 1. Regulations for Permanent Signs

Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Comments	Permit Required
Freestanding	A, R-1, R-2, R-3	10 ft.	10 ft.	20 sq. ft.	1 along each street frontage of a lot	Only permitted in conjunction with a permitted principal use that is non-residential and non-agricultural	Yes
	V-C,	20 ft.	10 ft.	100 sq. ft.			
	C, C-H, I	20 ft.	10 ft.	150 sq. ft.			
Wall	A, R-1, R-2, R-3	Cannot extend above top of wall or canopy to which it is attached.	n/a	0.5 sq. ft. per linear foot of exterior wall to which the sign is attached. Maximum area of 20 sq. ft.	1 per lot	Only permitted in conjunction with a permitted principal use that is non-residential and non-agricultural	Yes
	V-C, C			0.75 sq. ft. per linear foot of exterior wall to which the sign is attached. Maximum area of 30 sq. ft.	1 per tenant or business		
	C-H, I			1 sq. ft. per linear foot of exterior wall to which the sign is attached. Maximum area of 40 sq. ft.	1 per street on which a tenant or business has frontage.		
Front Door	All	n/a	n/a	2 sq. ft.	1 per tenant or business	Must be mounted on door or within one foot of door.	Yes

Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Comments	Permit Required
Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Comments	Permit Required
Rear Door	All	n/a	n/a	2 sq. ft.	1 per tenant or business	Must be mounted on door or within one foot of door.	Yes
Window	All	n/a	n/a	20% of window area	n/a	The sign shall not obscure the vision of the police or other safety personnel	No
Commercial or Shopping Center	C, C-H	20 ft.	20 ft.	1 sq. ft. per 2,000 sq. ft. of gross floor area in center. Maximum area of 60 sq. ft.	1 per center	Center must contain at least 80,000 sq. ft. of gross floor area.	Yes
Roof	VC, C, C-H, I	Cannot extend beyond the highest point of the roof	n/a	See Wall Signs Above			Yes

## Regulations for Permanent Signs - continued

<b>Type of Sign</b>	<b>Zoning District</b>	<b>Maximum Height</b>	<b>Minimum Setback From Right-of-Way</b>	<b>Maximum Area</b>	<b>Number Permitted</b>	<b>Comments</b>	<b>Permit Required</b>
Residential Development	All	5 ft.	10 ft.	20 sq. ft.	1 per principal entrance. Maximum of 2 per development	See Note 1.	Yes
Agricultural	A, R-1, R-2	10 ft.	10 ft.	16 sq. ft.	1 per lot		Yes
Home Occupation	All except I	5 ft.	5 ft.	3 sq. ft.	1 per lot	May be freestanding or wall mounted.	Yes
Directional or Informational	All	5 ft.	10 ft.	3 sq. ft.	Unlimited	No more than two may be located at each driveway entrance.	No
Billboards	V-C, C, C-H, I	See Note 2.	25 ft.	300 square feet per sign face	See note 2.	See Note 2.	Yes
Off-Premises Signs (except Billboards)	A, C, VC, C-H, I	15 ft. above the closest roadway surface	25 ft.	160 square feet	1 per location	See Note 3.	Yes
Government	All					No regulations.	No

## Notes for Regulations for Permanent Signs:

1. Only allowed for residential developments. No commercial advertising permitted. When the development is under construction, a temporary sign displaying real estate sales information may be permitted in lieu of a permanent sign.
2. Permitted only by special exception adjacent to four lane limited access highways. One (1) billboard may have two (2) faces with different messages, provided surfaces are back to back or at an angle of forty-five (45) degrees or less. Billboards shall be set back twenty-five (25) feet from side and rear property lines. Each billboard shall be at least one thousand (1,000) feet from all other billboards, and at least three hundred (300) feet from any R-1, R-2, or R-3 district on the same side of the street as the billboard. Not permitted on a lot with a residential use. The height of a billboard shall not exceed twenty-five (25) feet above the closest roadway surface; however, when the site on which the billboard is erected is at a higher elevation than the nearest roadway surface, there shall be a maximum height of forty-five (45) feet to the top of billboard, measured from the finished grade at the base of the sign.
3. Permitted only by special exception. Off-Premises signs, except Billboards may have two (2) faces, provided the message on each face is the same and the surfaces are back to back or at an angle of forty-five (45) degrees or less. Off-Premises signs shall be set back twenty-five (25) feet from side and rear property lines. Each off-premises sign shall be at least one thousand (1,000) feet from all other off-premises signs and billboards. Not permitted on a lot with a residential use.

## 2. Regulations for Temporary Signs

Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Comments	Permit Required
Real Estate Sign	A, R-1, R-2, R-3	5 ft.	5 ft.	6 sq. ft.	1 per street frontage	Must be located on the property offered for sale or lease. Must be removed within seven days after settlement or signing of lease.	No
	V, C	5 ft.	5 ft.	10 sq. ft.			
	C-H, I	10 ft.	5 ft.	32 sq. ft.			
Open House Sign	All	5 ft.	5 ft.	6 sq. ft.	1 per street frontage plus 2 located off-premise with no more than 1 per intersection	Shall not be displayed longer than four days. Off-premise signs shall have the approval of the landowner.	No
Contractor Sign	All	5 ft.	5 ft.	6 sq. ft.	1 per contractor	See Note 1 below.	No
Sidewalk Sign	All	5 ft.	5 ft.	8 sq. ft.	1 per tenant or business	Sign shall only be placed outside when business is open. Sign shall not obstruct any sidewalk.	Yes

Notes: 1. All contractors' signs must be removed within seven (7) days after completion of construction. More than four (4) contractors shall be displayed on a single sign. Such a sign shall not exceed ten (10) feet in height and thirty-two (32) square feet in area.



## Regulations for Temporary Signs continued.

<b>Type of Sign</b>	<b>Zoning District</b>	<b>Maximum Height</b>	<b>Minimum Setback From Right-of-Way</b>	<b>Maximum Area</b>	<b>Number Permitted</b>	<b>Comments</b>	<b>Permit Required</b>
Banner Sign	All	10 ft.	10 ft.	20 sq. ft.	1 per tenant, business, or organization	Shall only be displayed two times in a 12-month period for no more than 14 days at a time.	No
Garage Sale Sign	All	5 ft.	2 ft.	6 sq. ft.	1 per street frontage	Shall be displayed for no more than four consecutive days for each sale.	No

**Page Intentionally Blank**

## ARTICLE XVII

### OFF-STREET PARKING, OFF-STREET LOADING, AND VEHICULAR ACCESS

#### **SECTION 1701 - Purpose**

These off-street parking and loading regulations are intended to lessen congestion, to enhance safety, and to decrease the parking burden on and within the public rights-of-way, and to provide adequate screening and buffering of off-street parking areas.

#### **SECTION 1702 - General Requirements**

1. Off-street parking spaces shall be required when a new building or use is established, when an existing building or use is altered, enlarged, or expanded so as to require additional parking, and when an existing building or use is changed to a different use that requires additional parking.
2. Parking lots shall be utilized to provide required off-street parking for every use except single-family and two-family dwellings.
3. When multiple uses are involved, required parking shall be calculated for each independent use, and the sum total number of required parking spaces for each separate use shall be provided.
4. Required spaces shall be provided on the same lot as the use requiring the spaces.
5. Areas used for vehicle fueling, vehicle washing, or performing other vehicle-related services shall not count toward required parking spaces.
6. The Zoning Hearing Board may approve a modification of the required number and/or location of parking spaces where the applicant provides proper justification.
  - A. Proper justification shall require the provision of studies of existing cases of similar uses or situations; reports or recommendations produced by recognized engineering, parking, or planning organizations; or other data that is authoritative or produced by a person with appropriate professional credentials.
  - B. Parking may be reduced where multiple uses have a common parking lot and share customers or have different times of peak usage, provided proper justification is provided for the requested reduction.
  - C. Where the Zoning Hearing Board grants approval of shared parking arrangements or parking spaces located on a lot other than the one containing the use requiring the parking, appropriate easements or agreements ensuring continued access to the parking lot shall be required.
7. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter ( $\frac{1}{4}$ , 0.25) or more shall be counted as one (1) space.
8. Off-street parking spaces shall be required in accordance with the table in Section 1703 of this Article. Any use not specifically listed in this Section shall comply with the most similar use listed.
9. Parking lots are for the sole purpose of accommodating passenger vehicles of persons associated with a use. Parking lots shall not be used for the following purposes:

- A. The parking of vehicles accessory to the use.
- B. Performing services on vehicles.
- C. Loading and unloading functions, except minor and incidental package delivery.
- D. These prohibitions shall not apply to churches, community organizations, and similar non-profit organizations that are holding a fundraiser, such as a vehicle wash or plant sale, and as provided in §1502.16.H, Temporary Retail Sales, of this Ordinance.

### **SECTION 1703 - Required Off-Street Parking**

1. Off-street parking spaces shall be required in accordance with the table below and with related provisions of this Article:

<b>Use</b>	<b>Required Parking Spaces</b>
<b>Agricultural/Rural Uses</b>	
Agribusiness	1 per 200 sq. ft. of customer area + 1 per employee
Camp/Campground	1 per campsite + 1 per employee/staff
Fairgrounds	50 per acre
Farm Market	1 per 200 sq. ft. of customer area + 1 per employee
Gun Club	1 per target
Helipad/Helipad	1 per employee + 2 per transient users
Kennel	1 per 10 animals boarded + 1 per employee
Nature Preserve/Wildlife Sanctuary	1 per 50 acres
Rural Occupation	1 per 200 sq. ft. of customer area + 1 per each non-resident employee
Sanitary Landfill	1 per employee on largest shift
Sawmill/Planing Mill	1 per employee on largest shift
Stable and Riding Academy	1 per 2 horses boarded (minimum 1 space), + 1 per 1.5 pupils of the largest class.
Stockyard/Slaughterhouse	1 per employee on largest shift
Vacation Home	1 per bedroom
Veterinarian/Animal Hospital	4 per veterinarian + 1 per additional employee
<b>Residential Uses</b>	
Accessory Dwelling Unit	1 per unit
Dwelling Unit	2 per dwelling unit
Group Home/Care Facility	1 per 2 occupants + 1 per employee on largest shift
Home Occupation	1 per 200 sq. ft. of area accessible to customers, + 1 per each non-resident employee
Life Care Community	1 per 3 residents, + 1 per employee
<b>Commercial Uses</b>	
Adult-Oriented Business	1 per 100 sq. ft. gross floor area
Amusement Establishment	1 per 200 sq. ft. gross floor area
Bed and Breakfast	1 per guest room
Boarding/Rooming House	1 per guest room + 1 per employee
Financial Institution	1 per 250 sq. ft. of gross floor area

Use	Required Parking Spaces
<b>Commercial Uses continued</b>	
Child Day Care Facility	1 per 10 persons at maximum occupancy, + 1 per employee
Convenience Store	1 per 150 sq. ft. of customer area, + 1 per employee on the largest shift
Farm Supply & Equipment Sales	1 per 200 sq. ft. of customer area, + 1 per employee on the largest shift
Funeral Home	1 per 4 seats + 1 per employee + 1 per each company vehicle
Hotel/Motel/Tourist Cabin Court	1 per sleeping room + 1 per employee on largest shift + 1 per 4 persons of capacity of any associated meeting rooms. Parking for any associated restaurant, nightclub, recreation, or other uses shall be calculated separately.
Laundry/Dry Cleaning	1 per 200 sq. ft. gross floor area + 1 per employee
Lumber Yard/Home & Building Center	1 per 200 SF of customer area, plus 1 per employee on the largest shift
Medical Office or Clinic	4 per doctor, dentist, or physician's assistant, plus 1 per employee.
Mini-Storage/Self-Storage Facility	1 per employee on largest shift + 2 for visitors/tenants
Motor Vehicle Service/Repair	1 per service bay + 1 per employee
Motor Vehicle Sales	2 per employee
Nightclub	1 per 3 persons at maximum occupancy + 1 per employee
Off-Track Betting Parlor	1 per 4 persons at maximum occupancy + 1 per employee
Office, Business or Professional	1 per 300 sq. ft. gross floor area
Personal Service	1 per 200 sq. ft. of customer area
Postal and Courier Services	1 per 100 SF of floor customer area + 1 per employee + 1 per company vehicle
Restaurant, Fast-Food	1 per 2 seats + 1 per employee on largest shift
Restaurant, Sit-Down	1 per 4 seats + 1 per employee on largest shift
Retail Store	1 per 200 sq. ft. of customer area + 1 per employee on largest shift
Shopping Center	1 per 200 sq. ft. of customer area, + 1 per employee
Tavern/Bar/Pub	1 per 3 persons at maximum occupancy + 1 per employee
Theater	1 per 4 seats at maximum occupancy, + 1 per employee
Vehicle Sales or Rental Facility.	2 per employee.
<b>Recreational Uses</b>	
Fitness/Health Center	1 per 60 sq. ft. gross floor area + 1 per employee on largest shift
Golf Course	4 per hole, plus 1 per employee, + 50% of required spaces for accessory uses.
Municipal Park/Playground	2 per acre
Recreational Facility	1 per 4 persons at maximum occupancy for indoor facility; 1 per 5,000 sq. ft. land area for outdoor facility.

Use	Required Parking Spaces
<b>Institutional and Public Uses</b>	
Community Center/Club/ Grange Hall	1 per 200 sq. ft. gross floor area + 1 per employee
Country Club, Excluding Golf Course & Swimming Pool	1 per 4 seats at maximum occupancy + 1 per employee
Crematorium	1 per employee
Correctional/Penal Institution	1 per employee on largest shift, plus 1 per 25 inmates
Emergency Services (Protective)	1 per each volunteer, or employee on the largest shift
Family Day Care Home	1 per each 4 residents + 2 per dwelling unit
Government Facility	1 per 200 sq. ft. used by public
House of Worship	1 per 4 seats or 1 per 6 ft. of bench length, whichever is greater, + 1 per clergy
Hospital	1 per 2 beds + 1 per staff physician + 1 per employee on the largest shift.
Library	1 per 300 sq. ft. of public area + 1 per employee
Massage Therapy	1 per therapy station + 1 per employee
Municipal Building/Facility	1 per 200 sq. ft. used by public
Museum	1 per 500 sq. ft. gross floor area + 1 per employee
Nursing Home/Residential Care Facility	1 per each 8 beds + 1 per each staff doctor + 1 per 2 employees, including nurses.
Public Utility	1 per employee on largest shift, minimum 1 space
School, Public/Private	1 per 20 classroom seats in grades K-8; 1 per 5 classroom seats grades 9 – 12; + 1 per facility vehicle
School, Commercial/Vocational/ Mechanical/Trade	1 per student + 1 per employee
Senior Citizen Center	1 per 4 seats at maximum occupancy
<b>Industrial, Transportation, and Communication Uses</b>	
Electric Generating Facility	1.5 per each employee on the largest shift
Junkyard/Auto Recycling Center	1 per employee on largest shift + 1 per facility vehicle
Manufacturing, Heavy	1.5 per each employee on the largest shift
Manufacturing, Light	1.5 per each employee on the largest shift
Mineral Extraction Facility	1 per each employee on largest shift + 1 per facility vehicle
Motor Freight Terminal	1 per each employee on largest shift or 1 per 1,000 sq. ft. gross floor area, whichever is greater
Newspaper Printing/Publishing	1.5 per each employee on largest shift
Passenger Transportation Terminal	1 per each 100 sq. ft. of public space + 1 per 2 employees
Resource Recovery Facility	1 per employee on largest shift + 1 per facility vehicle
Truck Stop/Travel Center	Parking for all associated restaurant, convenience store, hotel, or other uses shall be calculated separately.
Warehouse/Storage (Locker Plant) and Distribution	1.5 per each employee on largest shift
Wholesale Distribution Center	1.5 per each employee on largest shift

2. For uses not specifically listed above, the use classification for purposes of parking requirements shall be determined by the Zoning Officer, based on similarity of the proposed use to the listed use classification. If the Zoning Officer determines that a proposed use is not comparable to any use listed above, he shall request the Zoning Hearing Board to determine off-street parking requirements for the proposed use at a regular Zoning Hearing Board meeting.

#### **SECTION 1704 - Accessible Parking Spaces**

1. Businesses and privately owned facilities that provide goods or services to the public have an obligation to comply with the provisions of the American with Disabilities Act (ADA) and remove barriers to access in existing parking lots when it is readily achievable to do so. This section provides key information about how to create accessible car and van spaces and how many spaces to provide.

##### **2. Accessible Parking Spaces for Cars**

A. Accessible parking spaces for cars have at least a five (5) foot wide access aisle located adjacent to the designated parking space.

B. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car.

C. These parking spaces are identified with a sign and located on level ground.

##### **3. Van-Accessible Parking Spaces**

A. Van-accessible parking spaces are the same as accessible parking spaces for cars except for three (3) features needed for vans:

(1) An access aisle eight (8) feet wide to accommodate a wheelchair lift

(2) Vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space.

(3) An additional sign that identifies the parking spaces as "van accessible."

B. One (1) of eight (8) accessible parking spaces, but always at least one (1), must be van-accessible.

##### **4. Features of Accessible Parking Spaces for Cars**

A. Sign with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space.

B. If the accessible route is located in front of the space, install wheel stops to keep vehicles from reducing width below thirty-six (36) inches.

C. An access aisle of at least five (5) feet wide must be level (1:50 maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.

D. Boundary of the access aisle must be marked. The end may be a squared or curved shape.

E. Two (2) parking spaces may share an access aisle.

#### 5. Additional Features for Van-Accessible Parking Spaces

A. Sign with "van accessible" and the international symbol of accessibility shall be mounted high enough so the sign can be seen when a vehicle is parked in the space.

B. A level access aisle at least eight (8) feet wide with a maximum slope of 1:50 in all directions shall be located beside the van parking space.

C. A minimum clearance height of eight (8) feet six (6) inches shall be provided at the van parking space, access aisle, and on the vehicular route to and from the van space.

#### 6. Minimum Number of Accessible Parking Spaces

A. One (1) in every eight (8) parking spaces, but not less than one (1) space, must be van accessible, with a designated handicap sign and an access aisle at least eight (8) feet wide.

B. Accessible parking spaces shall be required in accordance with the table below:

Total Spaces in Lot	Accessible Spaces Required
1-25	1 van
26-50	1 standard + 1 van
51 - 75	2 standard + 1 van
76-100	3 standard + 1 van
101-150	4 standard + 1 van
151-200	5 standard + 1 van
201-300	6 standard + 1 van
301-400	7 standard + 1 van
401-500	7 standard + 2 van
501-1000	2 percent of total spaces*
1001 and over	20 + (1 per 100 over 1000)*

\* One (1) in every eight (8) accessible parking spaces must be a van accessible space with an eight (8) foot wide access aisle.

C. A standard accessible parking space is a minimum of eight (8) feet wide + a five (5) foot wide access aisle.

### SECTION 1705 - Design Standards

1. Parallel parking spaces shall have minimum dimensions of eight (8) feet by twenty-three (23) feet. Non-parallel spaces shall have minimum dimensions of ten (10) feet by twenty (20) feet. Individual spaces shall be delineated by paint striping or other pavement markings to show their location.

2. The amount, location, and design of handicapped parking spaces and accessible routes to a building shall comply with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, as described in Section 1704 above.

3. Parking lots shall be arranged so that no vehicle will be required to back onto a public roadway.



4. Aisles between rows of parking spaces shall meet the following minimum widths:

<b>Parking Angle</b>	<b>Aisle Width – One-Way Traffic</b>	<b>Aisle Width – Two-Way Traffic</b>
90 degrees	20 feet	24 feet
60 degrees	18 feet	22 feet
45 degrees	14 feet	20 feet
30 degrees	12 feet	20 feet
Parallel	11 feet	20 feet

5. Parking lots shall be surfaced with asphalt, concrete, pavers, or other low-dust material approved by the Township.

6. Parking lots shall be graded to provide adequate drainage to avoid areas of ponding and shall have an approved stormwater management plan.

7. Speed bumps and other speed control devices are permitted within parking lots, provided they are clearly delineated with paint or pavement color and are marked with signs. They shall not be permitted where they will cause vehicles to back out onto adjacent public roadways.

8. Curb stops or other means shall be used to ensure that parked vehicles do not overhang onto walking areas, sidewalks, or landscape areas.

9. When a parking lot will be used after dark, lighting shall be provided. Such lighting shall be directed inward and downward onto the parking lot. It shall not create a glare on adjacent lots or streets. The placement of light standards shall be coordinated with interior landscaping to avoid conflicting with the effectiveness of the light fixtures.

10. When a parking lot is connected to a street or streets by an access drive or driveway, such drives shall meet the requirements of this Article and the Township Subdivision and Land Development Ordinance.

11. Parking lots for adjacent uses shall be connected to each other to enable cross access between the uses. Appropriate easements and agreements shall be provided to ensure the continued right of access.

12. Off-street parking areas and lots shall be landscaped and screened in accordance with the provisions of Section 1707 of this Article.

### **SECTION 1706 - Off-Street Loading**

1. Off-street loading spaces shall be required when a new building or use is established which requires off-street loading spaces, when an existing building or use is altered, enlarged, or expanded so as to require additional loading spaces, and when an existing building or use is changed to a different use that requires additional loading spaces.

2. Off-street loading spaces shall be required in accordance with the table below and with related provisions of this Section:

Use	Required Loading Spaces	Length
Commercial and Institution Uses, except those below.	1 per of 10,000 to 50,000 sq. ft. gross floor area, plus 1 per each additional 50,000 sq. ft. or fraction thereof.	40 feet
Manufacturing, Industrial, Warehousing and Wholesale Distribution	1 per of 5,000 to 25,000 sq. ft. gross floor area, plus 1 per each additional 25,000 sq. ft. or fraction thereof.	65 feet

### 3. Design Standards

- A. All loading spaces shall be a minimum width of twelve (12) feet with a minimum height clearance of fifteen (15) feet.
- B. All loading spaces must be surfaced with asphalt or concrete.
- C. Loading spaces shall be located so that vehicles do not need to back into public roadways.
- D. Loading spaces shall be separate from and shall not interfere with parking lots, pedestrian walkways, or other areas associated with customer, client, or employee traffic.
- E. Loading spaces shall be placed to the side or rear of commercial establishments.
- F. When a loading space is connected to a street or streets by an access drive or driveway, such drives shall meet the requirements of this Article and the Township Subdivision and Land Development Ordinance.
- G. Loading spaces shall be graded to provide adequate drainage to avoid areas of ponding and shall have an approved stormwater management plan.
- H. When a loading space will be used after dark, lighting shall be provided. Such lighting shall be directed inward and downward onto the loading space. It shall not create a glare on adjacent lots or streets. The placement of light standards shall be coordinated with interior landscaping to avoid conflicting with the effectiveness of the light fixtures.
- I. All off-street loading areas shall be effectively screened on any side facing a public right-of-way and shall be screened on each side that adjoins or faces premises any residential district or any premises used for residential or institutional purposes in any district by a fence, wall, or compact hedge. Such fence, wall, or hedge shall be not less than four (4) feet, and no solid portion shall be more than six (6) feet in height, shall be maintained in good condition, and shall provide year-round screening.

## SECTION 1707 - Landscaping and Screening

### 1. Landscaping

- A. Parking lots shall be effectively landscaped with trees and shrubs to:
  - (1) Reduce the visual impact of glare, headlights, and parking lot lighting.
  - (2) Delineate driving lanes and define rows of parking.
  - (3) Provide shade in order to reduce the amount of reflected heat.
  - (4) Improve the aesthetics of parking lots.

B. Parking lots shall be separated from street right-of-way lines with a landscape strip planted with an all-weather ground cover or other landscape plantings. The width of the landscape strip shall be based on the number of spaces within the parking lot.

Spaces in Parking Lot	Landscape Strip Width
1-100	10 feet
101-250	15 feet
251 and more	20 feet

C. A ten (10) feet wide landscape strip shall be provided along rear and side property lines.

D. The ends of all parking rows shall be separated from the driving lanes by planting islands.

E. In residential developments, parking lots shall be divided by planting strips into smaller parking areas of no more than twenty (20) stalls.

F. In non-residential developments, parking lots shall be divided by planting strips into smaller parking areas of no more than sixty (60) stalls. There shall be no more than two (2) consecutive rows of parking spaces, regardless of the number of spaces in the row, without the installation of such planting strips.

G. All planting strips shall be a minimum width of four (4) feet. Such strips shall run the entire length of the parking row, be underlain by soil, and be mounded at a minimum slope of 12:1 and a maximum slope of 4:1. Planting strips shall contain one (1) shade tree for every thirty (30) linear feet plus shrubs and/or ground cover over the entire planting strip.

H. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet, be underlain by soil, and be mounded at a minimum slope of 12:1 and a maximum slope of 4:1. Each planting island shall contain at least one (1) shade tree plus shrubs and/or ground cover over the entire island. Examples of acceptable shade tree species may include, but not be limited to, the following trees native to eastern North America:

- (1) Common Hackberry
- (2) Autumn Purple Ash
- (3) Rosehill Ash
- (4) Hessei Ash
- (5) Tulip Tree
- (6) Swamp White Oak
- (7) Chinkapin Oak
- (8) Red Oak

I. Required trees shall have a trunk diameter (caliper) of at least two (2) inches at a point four (4) feet above finished grade level at the time of planting.

J. All non-residential off-street parking areas designed for more than five (5) vehicles shall be effectively screened on any side facing a public right-of-way and shall be screened on each side that adjoins or faces any residential district or any premises used for residential or institutional purposes in any district by a fence, wall, or compact hedge. Such fence, wall, or hedge shall be not exceed four (4) feet in height, shall be maintained in good condition, and shall provide year-round screening.

### **SECTION 1708 - Drive-Through Off-Street Stacking Space Regulations.**

1. General Provisions. The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a drive-through service unit. Any use having a drive-through service unit shall provide the required off-street stacking area on-site and shall locate the drive-through facilities in such a way as to ensure that on-site and off-site traffic conflicts, hazards and congestion are avoided. Each drive-through service unit shall provide the stacking spaces as follows:

A. Each stacking space shall be not less than eight and one half (8½) feet in width and seventeen and one half (17½) feet in length, with additional space for necessary turning and maneuvering.

B. The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, access drive or aisle, unless otherwise permitted.

C. A parking space at any component of a drive-through service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.

D. Any area reserved for stacking spaces shall not double as a circulation drive or maneuvering area.

E. Sites with stacking spaces shall include an exclusive bypass aisle, drive, or other circulation area in the parking lot, which is designed to allow vehicles to bypass the stacking area.

2. Any component of a drive-through service unit may project up to one (1) foot into the stacking area.

3. Drive-through service units may contain more than one component part.

A. Service units may contain such components as menu boards, pay windows, and food-service pickup windows. To determine the number of off-street stacking spaces located before a service unit, the final component of the service unit shall be used in determining the location of the off-street stacking spaces. In the case of vehicle wash facilities, the final component of a service unit is the entrance to the vehicle wash structure itself.

4. Where a single drive-through lane serves more than one (1) drive-through service unit, the minimum number of stacking spaces provided shall equal the combined total required for each service unit.

5. Stacking Areas. Parking lots shall be designed to provide adequate stacking area for vehicles entering the parking lot so that public roadways are not blocked.

A. Stacking areas shall also be provided for vehicles leaving the parking lot so that parking spaces and aisles are not blocked.

B. Required stacking spaces.

(1) Vehicle wash facility.

a. Self-service or hand wash: Three (3) spaces before the final component of each service unit and two (2) spaces at the exit of each unit.

b. Semi- or fully automatic: Ten (10) spaces before the final component of each service unit and two (2) spaces at the exit of each unit.

(2) Restaurants or Financial Institutions (including ATMs).

a. One (1) drive-through service unit: Six (6) spaces before the final component of the service unit and two (2) spaces at the exit of the unit.

b. For each additional drive-through service unit: Four (4) spaces before the final component of each additional service unit and one (1) space at the exit of each unit.

(3) The number of stacking spaces required above shall be considered minimums. The Township may require additional stacking spaces when they are deemed necessary to comply with the general provisions of this section.

(4) Where an applicant can provide compelling evidence that fewer than the required number of stacking spaces would adequately serve a drive-through establishment, the number of required stacking spaces may be reduced by the Zoning Hearing Board.

(5) All other facilities utilizing a drive-through service unit, including, but not limited to, laundry and dry cleaning stations, photo drop-off/pick-up stations, and vehicle oil change/lubrication facilities: Three (3) spaces before the final component of the service unit and one space (1) at the exit of each service unit.

**Page Intentionally Blank**

## ARTICLE XVIII

### ADMINISTRATION AND ENFORCEMENT

#### **SECTION 1801 - Zoning Officer**

1. The Zoning Officer. The regulations and provisions of this zoning ordinance shall be administered and enforced by an individual who shall be known as the “Zoning Officer” and who shall be appointed by the Brown Township Board of Supervisors. The Zoning Officer shall hold no elective office in the Township.

2. Deputy. The Brown Township Board of Supervisors may appoint a second individual as the Deputy Zoning Officer to have all the duties and responsibilities of the Zoning Officer during the temporary absence, illness or disability of the Zoning Officer. The Deputy Zoning Officer may be an employee of the Township, but in no event shall the individual appointed as the Deputy Zoning Officer hold any elective office in the Township.

3. Compensation. The Compensation of the Zoning Officer and the Deputy Zoning Officer shall be determined by the Brown Township Board of Supervisors.

4. Duties and Responsibilities. It shall be the duty of the Zoning Officer: to carry out the functions and purpose of this Zoning Ordinance, the Township Floodplain Ordinance and the Township Airport District Zoning-Height Ordinance; to perform the duties assigned by these Ordinances and to perform such other duties as may be assigned from time to time by the Board of Township Supervisors; to review applications for use permits and applications for building permits submitted under the Ordinances and to make the determination that the proposed use, occupancy, work, or the like conforms with the regulations and provisions of the Ordinances; to administer and enforce each of the Ordinances by making such inspections, tests, requirements, determinations, and enforcement notices, and orders as are necessary or appropriate to ensure that the regulations or provisions of each of the Ordinances are met and compliance is achieved; and to keep records of all the business and activities of his duties and responsibilities.

Except where certain matters under the Ordinances have been expressly left to the discretion or judgment of the Zoning Officer, the Zoning Officer shall administer the Ordinances in accordance with their literal terms; and shall have no power to permit any act, conduct, construction, installation, work, land development, occupancy, use, change, condition, or the like which does not and would not conform to the regulations or provisions of an Ordinance.

5. Inspections by the Zoning Officer. The Zoning Officer, in the discharge of his duties and upon proper identification, is hereby authorized to enter any lot, building, structure, or premises in the Township for the purpose of making any inspection which he deems necessary or appropriate to make in performing his duties or carrying out his responsibilities under Section 1801.4. In making an inspection, the Zoning Officer shall follow the procedures and shall have the authority as set forth in Appendix A, attached hereto and incorporated herein.

6. Report to Brown Township Board of Supervisors and Township Planning Commission. A report of the Zoning Officer shall be made annually and submitted to the Brown Township Board of Supervisors and the Township Planning Commission. The report shall contain: a record of the use permits, building permits and certificates of use and occupancy issued by the Zoning Officer; a record of the inspections and orders made, and the proceedings and other actions taken, by the Zoning Officer; a report of the effectiveness of administrative and enforcement procedures; any

amendments which the Zoning Officer believes should be made to the Ordinances; and such other information, data or statistics as the Zoning Officer may wish to include in the report or as the Brown Township Board of Supervisors or the Township Planning Commission might request be included in the report.

### **SECTION 1802 – Zoning Permit and Building Permit**

**1. When a Permit is Required.** Before any person, whether owner, occupant, contractor, architect, engineer, agent, or employee, shall:

- A. Establish, introduce, or locate any new use on a tract of land or in a building or structure; or alter or change any existing use to another use;
  - B. Undertake the work of constructing, installing or locating (or reconstructing, reinstalling or relocating) a building or structure (including a sign, irrespective of whether the sign is intended to be permanent or temporary);
  - C. Undertake the work of installing, locating, or storing a house trailer or mobile home as distinguished from merely parking a house trailer or mobile home temporarily off-street;
  - D. Undertake the work of making a structural alteration or structural change to an existing building or structure, including the installation, cutting or removal of any bearing wall, bearing beam, or other bearing support;
  - E. Undertake the work of making an addition to, or a change or modification in, the exterior outline, envelope, elevation or profile of a building or structure; or adding any window or any exit facility, or making an addition to, or a change or modification in, any window or any exit facility; or removing any window or any exit facility;
  - F. Change the occupancy of a building or structure from one use occupancy to another use occupancy which requires greater structural strength or more windows, or more exit facilities, or more bathrooms or lavatories;
  - G. Undertake the work of performing major or substantial structural repairs on, or installing, extending, enlarging, altering, relocating, or removing: any on-lot or on-site building sewer for sanitary sewage or storm water; or any on-lot or on-site surface water drainage facility, detention basin, retention basin, or the like; or any on-lot or on-site gas line, water line, or underground electric line, telephone line, or the like;
  - H. Undertake the work of performing any on-lot or on-site excavation, filling or grading work;
  - I. Undertake the work of performing any paving work on a lot (including the expansion or extension of any existing paving on the lot);
  - J. Undertake the work of constructing, installing, or locating a public swimming pool or a private swimming pool or altering the outline, envelope, or profile of a public swimming pool or a private swimming pool;
- or
- K. In the case where work is to be done on or in a building or structure located in a Floodplain Area, undertake any work involving:



- (1) The improvement of the building or structure (that is, that which is intended to enhance the value, beauty, appeal, comfort, or enjoyment of the building or structure),
- (2) The interior alteration, modification, remodeling, renovation, or improvement of the building or structure,
- (3) The installation, extension, expansion, alteration, relocation or major repair of any electrical system, gas system, plumbing system, heating system, ventilating system, air conditioning system, or mechanical system, or any principle or essential equipment, component or element required for the operation of such system, or
- (4) Otherwise undertake, or cause to be undertaken, any construction or development in a Flood Plain Area, he shall obtain the Zoning Permit from the Zoning Officer.

2. Exceptions. A zoning permit shall not be required in the following cases:

- A. Ordinary maintenance and ordinary repairs to a building, structure, or tract of land in the routine course of its upkeep; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in § 1802.1 above.
- B. Ordinary maintenance and ordinary repairs to the types of sewers, surface water drainage facilities, and utility lines described in §1802.1.G above in the routine course of their operation and upkeep and any excavation, filling, or grading work directly incident to and part of such maintenance and repairs; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in § 1802.1 above.
- C. Work of the kind described in § 1802.1.G above and any excavation, filling and grading work described in § 1802.1.H above directly incident to and part of that work; provided that all such work is done by a public utility company, government agency, or municipal authority.
- D. The erection or placement of those types of signs of contractors, builders, plumbers, electricians, painters, and the like which are referred to in Article XVI, Signs, of this Ordinance.
- E. In addition and only to the extent such does not conflict with any provision of the Brown Township Flood Plain Ordinance, in the case of a building or structure located in a Floodplain Area, a zoning permit shall not be required for:
  - (1) Ordinary maintenance and ordinary repairs to the interior or exterior of the buildings or structures in the routine course of upkeep of the interior or exterior. Repairing or replacing of existing roof, porch, set of stairs, or the like shall be deemed to be an ordinary repair.
  - (2) Cosmetic work (such as installing siding, interior or exterior painting, installing carpet or other floor covering, papering walls, paneling walls, or installing suspended ceilings) on or in the building or structure and in accordance with the requirements for such work set forth in the Brown Township Floodplain Ordinance.

(3) Electrical work, plumbing work, gas work, heating ventilation and air conditioning work, or mechanical work on or in the building or structure where the work involves ordinary maintenance, ordinary repairs, or like-for-like replacements of existing equipment, components, or elements in the routine course of their operation, upkeep, or useful life; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in §1802.1 above.

(4) The installation, extension, expansion, alteration, relocation or major repair of any electrical system, gas system, plumbing system, heating system, ventilating system, air conditioning system, or mechanical system, or any principle or essential equipment, component or element required for the operation of such system if the value of all labor and materials used in the work is less than \$500; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in §1802.1 above.

(5) Electrical work, plumbing work, gas work, heating ventilation and air conditioning work, or mechanical work on or in the building or structure; provided that all such work is done by a public utility company, government agency, or municipal authority.

3. In the event of an emergency, or in the event there are practical difficulties involved in submitting an application for a permit and the Zoning Officer determines that there were/are extenuating circumstances, the Zoning Officer may in his discretion;

A. Modify the requirement that no new use or changed use may be used or occupied unless a zoning permit has first been obtained by the Zoning Officer.

B. Modify the requirement that no work requiring a zoning permit may be undertaken unless a permit has first been obtained by the Zoning Officer.

C. Issue a permit now for then; provided that:

(1) an application for a permit is first filed with the Zoning Officer;

(2) the spirit and intent of this entire Section 1802 are observed;

(3) the nature of the new, changed, or proposed use is approved by the Zoning Officer; and

(4) the scope and nature of the work done before the issuance of the permit, and the scope and nature of any work remaining to be done after the issuance of the permit, are approved by the Zoning Officer.

4. Form of Application. The application for a zoning permit shall be submitted in such a form as the Brown Township Board of Supervisors may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or Lessee or the qualified person making an application, that the proposed work is authorized by the Owner or Lessee. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body or limited liability company, shall be stated in the application.

5. Description of Work. The application shall contain a general description of the proposed work, use and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. The application for a 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, the location of new and existing construction, and the distances of the same from the existing lot lines.

6. Time Limit for Application. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.

7. Issuance of Permits. 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 the Zoning Ordinance, the Flood Plain Ordinance or the Airport Zoning Height Ordinance, as applicable, or all other pertinent local laws, he shall reject such application, in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and the Flood Plain Ordinance and the Airport Zoning – Height Ordinance, as applicable, and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical.

8. Expiration of Permit. The permit shall expire one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.

9. Revocation of Permits. The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

10. Posting of Permit. A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.

11. Temporary Permit. A temporary permit may be authorized by the Zoning Officer for a nonconforming structure or use which he deems necessary to promote the proper development of the community; provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township of Brown. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceed three (3) years.

12. Payment of Fees. A permit shall not be issued by the Zoning Officer until the prescribed fee has been paid to the Township. The fee for the permit shall be that prescribed by the separate Township Costs and Fees Schedule adopted by Resolution of the Brown Township Board of Supervisors. The payment of a permit fee under this Section shall not relieve the applicant or

holder of the permit from the payment of any other fee which may be required by this Ordinance or by another Ordinance or law.

13. Compliance with Ordinance. The zoning permit shall be a license to proceed with the work upon the obtaining of a building permit and other required permits and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.

14. Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

15. Compliance with Uniform Construction Code. This Zoning Ordinance shall be interpreted, read and applied in pari materia (i.e. with reference to) and so as not to conflict with the provisions and requirements of the Brown Township Construction Code Ordinance, Ordinance No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, (35 P.S. § 7210.101, et seq., as amended) and the regulations thereunder. The provisions of such law, regulations and Ordinance and the duties and authority of the official known as the “Municipal Code Official” who is appointed in accord therewith, with the duties and authority as set forth therein, shall prevail in the event of a conflict between this Zoning Ordinance and the Uniform Construction Code.

### **SECTION 1803 - Certificate of Use and Occupancy**

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer or the Municipal Code Official appointed pursuant to the requirements of the Brown Township Construction Code Ordinance, Ordinance No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, (35 P.S. § 7210.101, et seq., as amended) and the regulations thereunder, as applicable. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.

2. The application for a certificate of use and occupancy shall be in such form as the Brown Township Board of Supervisors may prescribe and may be made on the same application as is required for a permit.

3. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.

4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws and upon approval by the Municipal Code Official appointed pursuant to the Brown Township Construction Code Ordinance, Ordinance No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, (35 P.S. § 7210.101, et seq., as amended) and the regulations thereunder, if applicable, he shall issue a certificate of use and occupancy for the intended use listed in the original application.

5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.

6. Upon request of a holder of a zoning permit, the Zoning Officer, together with the Municipal Code Official, as applicable, may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land or portion thereof, before the entire work covered by the permit shall have been completed; provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, uses of land for religious and other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer together with the Municipal Code Official, as applicable; however, in no case for a period exceeding six (6) months.

### **SECTION 1804 - Enforcement**

#### **1. Enforcement Notice.**

A. If it appears to the Township of Brown that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the Township of Brown shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. 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, and to any other person requested in writing by the owner of record and any other person against whom the Township of Brown intends to take action.

C. An enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the Township of Brown intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the zoning hearing board within thirty (30) days from the date of service of the notice.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

D. In any appeal of an enforcement notice to the zoning hearing board, the Township of Brown shall have the responsibility of presenting its evidence first.

E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the Township of Brown if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

2. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws, the Brown Township Board of Supervisors or, with the approval of the Brown Township Board of Supervisors, an officer of the Township of Brown, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of Brown at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Brown Township Board of Supervisors. No such action may be maintained until such notice has been given.

3. Enforcement Remedies.

A. Any person, partnership or corporation (including a limited liability partnership or limited liability company) who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Brown, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township of Brown as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge (formerly referred to as “District Justice”). If the defendant neither pays nor timely appeals the judgment, the Township of Brown may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge (formerly referred to as “District Justice”) determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation (including a limited liability partnership or limited liability company) 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 Magisterial District Judge (formerly referred to as “District Justice”) and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the zoning ordinance shall be paid over to the Township of Brown whose ordinance has been violated.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township of Brown the right to commence any action for enforcement pursuant to this section.

**SECTION 1805 – Nonconforming Uses and Structures**

1. Continuation. Any lawful use of a structure or land or any lawful structure existing at the

effective date of this article may be continued, although such use or structure does not conform to the provisions of this Ordinance.

2. Extensions. A nonconforming use or a nonconforming structure may be expanded to a distance of no greater than one hundred fifty (150) feet in any direction from the existing nonconforming use or nonconforming structure or to an area equal to no more than twenty-five percent (25%) of an existing nonconforming use or nonconforming structure, whichever is the lesser. Nonconforming uses or nonconforming structures created by variance shall not be permitted to expand.

3. Nonconforming lots of record. In any district in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of this article. In any appeal or application by an applicant to the Zoning Hearing Board, consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of merging the lots for purposes of this Ordinance when two (2) or more nonconforming lots have contiguous frontage and are in single ownership and are being used as one (1) lot.

4. Substitution or Replacement. Any nonconforming use may be substituted or replaced by another nonconforming use by Special Exception granted by the Zoning Hearing Board, so long as the Zoning Hearing Board determines that the proposed use is, at a minimum, equally compatible with and not detrimental to the surrounding area and neighborhood as the original nonconforming use. Furthermore, any proposed substitution or replacement of a nonconforming use shall not increase any dimensional nonconformity. In granting a Special Exception, the Zoning Hearing Board may attach such conditions as are reasonable and necessary to maintain the use as compatible with the surrounding area and neighborhood.

5. Abandonment.

A. If a non-conforming use of a structure or land ceases for a period of two (2) years or more, subsequent use of a structure or land shall be in conformity with the provisions of this Ordinance.

B. Abandonment regulations shall not apply to agricultural or farming uses.

6. Restoration.

A. Any nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or by other means, deemed to be not the fault of the owner, or any of them, may be reconstructed, subject to the limitations and requirements of this Section 1805 and any nonconforming use which had been utilizing a nonconforming structure which is damaged or destroyed, as aforesaid, may be continued, subject to the limitations and requirements of this Section 1805. Anything in this Section 1805 to the contrary notwithstanding, a request for a building permit must be submitted to the Township within one year (1) from the date of damage or destruction. Thereupon, restoration shall be completed within two (2) years from the date of damage or destruction. As to a non-conforming use which had been utilizing the structure that was damaged or destroyed, as aforesaid, it must be continued on the land within two (2) years of the date of damage or destruction; otherwise, the use of such land or any restoration of a structure shall be in conformity with the provisions of this Ordinance.

B. Unless reconstructed in accordance with and in strict compliance with the provisions of this Ordinance, any rebuilding of a nonconforming structure must be reconstructed within, and not to exceed, the “footprint” of the structure that has been destroyed.

C. No rebuilding shall be undertaken, as provided herein, until plans for rebuilding have been presented and approved by the Zoning Officer appointed hereunder and by the Municipal Code Official, as applicable, appointed pursuant to the Brown Township Construction Code Ordinance, Ordinance No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, (35 P.S. § 7210.101, et seq., as amended) and the regulations thereunder. Approval shall be for the same use for an equal or more restricted classification.

D. Restoration regulations shall not apply to single-family homes or active nonconforming agricultural buildings and active farms which may be restored by right. However, where reasonably possible, the property shall be reconstructed to come into compliance with the dimensional requirements of this ordinance.

7. Zoning permits. In a case where a zoning permit has been issued prior to the effective date of this Ordinance and the proposed use of the land and/or structure does not conform with this Ordinance or if the proposed structure is a nonconforming structure per this Ordinance, said proposed use and/or proposed structure, as applicable, shall be regulated by the nonconforming use and/or nonconforming structure requirements of this Ordinance and shall be considered the same as a lawful nonconforming use or lawful nonconforming structure, as applicable, if construction, other than excavation and foundations, is undertaken within a period of ninety (90) days after the issuance date of said zoning permit and construction thereof is complete within two (2) years from the issuance date of the zoning permit.

8. Nonconforming use of open land. Regardless of anything in this Section 1805 to the contrary notwithstanding and regardless of the definition of “structure” as set forth in Article II, Section 202, or otherwise in this Ordinance, all nonconforming signs, billboards, junk storage areas and similar nonconforming use of land, when discontinued for a period of ninety (90) days or damaged to an extent of seventy-five percent (75%) or more of replacement costs, shall not be continued, repaired or constructed.

### **SECTION 1806 - Conditional Use Process**

1. Purpose. The conditional use approval process is designed to allow the Brown Township Board of Supervisors the opportunity to review certain development which, due to its scale or other physical impacts, requires a higher level of review to ensure its consistency with, and ability to conform to all applicable requirements of this Ordinance, and where applicable, the Township Flood Plain Ordinance and the Airport Zoning – Height Ordinance, as applicable.

2. Procedure. Applications for conditional use approvals shall meet all requirements in the Sections of this Ordinance which authorize such conditional use. The Brown Township Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of this Ordinance as it may be amended and of the requirements of the Pennsylvania Municipalities Planning Code, as amended. Before voting on the approval of a conditional use, the Brown Township Board of Supervisors shall hold a public hearing therein, pursuant to public notice. All public hearings shall be conducted in accordance with the



requirements outlined in Section 1808 of this Ordinance, except that the words “Zoning Hearing Board” shall be replaced with the “Township Board of Supervisors” and any reference to “special exception” shall be replaced with “conditional use”.

3. Consideration of Conditional Use Application. When a conditional use is provided for in this Ordinance, the Brown Township Board of Supervisors shall hear and decide requests for such conditional uses in accordance with stated standards and criteria set forth in this Ordinance that authorizes such conditional use. The Brown Township Board of Supervisors may grant approval of a conditional use provided that the applicant complies with the express standards set forth in this Zoning Ordinance and the following general standards for all conditional uses. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all standards and criteria for the conditional use enumerated in the Section which gives the applicant the right to seek the conditional use. The applicant shall provide the Brown Township Board of Supervisors with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

B. The applicant shall establish by credible evidence compliance with all applicable Township, State and Federal ordinances, statutes and regulations. The applicant shall provide the Brown Township Board of Supervisors with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

C. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including but not limited to fire protection, utilities, parks and recreation.

D. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

E. The proposed conditional use shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area included in the conditional use application shall be adequately safeguarded.

4. Conditions. The Brown Township Board of Supervisors, in approving conditional use applications, may attach reasonable conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

5. Time Limitation. If a conditional use is granted, the necessary permit shall be secured and authorized action begun within six (6) months thereafter, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date.

Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Brown Township Board of Supervisors.

Should the applicant fail to complete construction or alteration within said twelve (12) months period, the Brown Township Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use.

For good cause, the Brown Township Board of Supervisors may, upon application in writing, state the reasons therefore, and extend either the six (6) months or twelve (12) months period.

#### **SECTION 1807 - Zoning Hearing Board, Creation and Organization**

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901, et seq., as amended.

2. The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by Resolution by the Brown Township Board of Supervisors. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Brown Township Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion thereof. Members of the Zoning Hearing Board shall hold no other office in the Township.

3. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Brown Township Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing the taking of any action a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 1808.3 hereinafter.

5. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township of Brown and shall submit a report of its activities to Brown Township Board of Supervisors as requested by the Brown Township Board of Supervisors.

6. Within the limits of funds appropriated by the Brown Township Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Brown Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Brown Township Board of Supervisors.

7. The Brown Township Board of Supervisors may appoint by Resolution up to three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. No alternate member of the Zoning Hearing Board shall hold any other office in the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board or be compensated pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10907, and as fixed by the Brown Township Board of Supervisors unless designated as a voting alternate member per the Municipalities Planning Code, 53 P.S. § 10906, as amended.

### **SECTION 1808 – Hearings before Zoning Hearing Board**

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

1. Public notice shall be provided once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing. In addition, the Zoning Hearing Board shall provide written notice to the Zoning Officer, the Township Secretary, each member of the Board of Supervisors, the Secretary of the Township Planning Commission, the applicant, and every other person or organization who shall have registered with the Zoning Hearing Board for the purpose of receiving such notices. Such written notices shall state the location of the site and the nature of the request. It shall also state the time, date and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The Brown Township Board of Supervisors may prescribe by Resolution reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

3. The first hearing before the Zoning Hearing Board or Hearing Officer shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township of Brown, be granted additional hearings to complete their

opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

4. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

5. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

6. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

8. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

9. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

10. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

11. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any

provisions of the Pennsylvania Municipalities Planning Code, as amended, of this Zoning Ordinance or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer except for challenges filed under Section 1815 of this Ordinance and per § 916.1 (see 53 P.S. 10916.1) of the Pennsylvania Municipalities Planning Code. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to conduct or complete the hearing as required in Section 1808.3, aforesaid, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1808.1, aforesaid. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **SECTION 1809 – Jurisdiction of Zoning Hearing Board.**

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

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Brown Township Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1 and 10916.1 (a)(2).

B. 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.

C. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of the Township Flood Plain Ordinance and the Township Airport District Zoning-Height Ordinance or such provisions within a land use ordinance.

D. Applications for variances from the terms of this Ordinance, the Township Flood Plain Ordinance and the Township Airport District Zoning-Height Ordinance or such provisions within a land use ordinance, pursuant to § 910.2 of the MPC, 53 P.S. §10910.2.

E. Applications for special exceptions under this Ordinance or the Township Flood Plain Ordinance and the Township Airport District Zoning-Height Ordinance or such provisions within a land use ordinance, pursuant to § 912.1 of the MPC, 53 P.S. §10912.1.

F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.

G. Appeals from the Zoning Officer's determination under § 916.2 of the MPC, 53 P.S. §10916.2.

H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §10501 et seq., and §10701 et seq.

#### **SECTION 1810 - Time Limitations for Appeals to Zoning Hearing Board.**

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to § 709 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10709, or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.2, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

#### **SECTION 1811 - Stay of Proceedings of Appeals to Zoning Hearing Board.**

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the 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 Officer or any other appropriate agency or body certifies to the Board 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 Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings

designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

#### **SECTION 1812 - Variances.**

1. Filing of Variances. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Zoning Officer at the Brown Township Municipal Office and copies given to the Zoning Hearing Board, the Township Planning Commission and the County Planning Commission. The applicant must provide all the information requested on the form together with any other information and data that may be required to advise the Zoning Hearing Board on the variance requested, whether such information is called for by the official form or not.

2. Standards for Variances. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

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

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or

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

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

4. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, and the Zoning Ordinance, as amended.

5. Time Limitation. If a variance is granted, the necessary permit shall be secured and authorized action begun within six (6) months thereafter, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date.

Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.

Should the applicant fail to complete construction or alteration within said twelve (12) months period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use.

For good cause, the Zoning Hearing Board may, upon application in writing, state the reasons therefore, and extend either the six (6) months or twelve (12) months period.

### **SECTION 1813 - Special Exceptions.**

1. Where the Brown Township Board of Supervisors, in this Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

2. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance and of the Pennsylvania Municipalities Planning Code, as amended.

3. Standards for Special Exceptions. The Zoning Hearing Board may grant a special exception, provided that all of the following findings are made where relevant in a given case:

A. The proposed use will not substantially increase traffic congestion.

B. The proposed use will not adversely impact the public safety.

C. The proposed use will not overcrowd the land or create excessive population densities.

D. The proposed use is not detrimental to the appropriate use of an adjacent property.

E. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone and is not inconsistent with the surrounding zoning and uses.

F. There is or can be provided to the proposed use an adequate water supply, sewage disposal, and storm drainage.



G. The proposed use will not unduly burden public facilities and infrastructure.

H. The proposed use will not otherwise adversely affect the public health, safety, morals or general welfare.

4. Specific Standards. In addition to the standards for all special exceptions as listed in §1813.3 above, the specific standards for particular uses as listed in Article XV must be met prior to the granting of a special exception.

5. Time Limitation. If a special exception is granted, the necessary permit shall be secured and authorized action begun within six (6) months thereafter, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date.

Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.

Should the applicant fail to complete construction or alteration within said twelve (12) months period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use.

For good cause, the Zoning Hearing Board may, upon application in writing, state the reasons therefore, and extend either the six (6) months or twelve (12) months period.

#### **SECTION 1814 - Amendments**

1. The Brown Township Board of Supervisors may from time to time amend any of the regulations and provisions in this Ordinance.

2. Public Hearing(s). Before voting on the enactment of an amendment, the Brown Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice as defined in the Pennsylvania Municipalities Planning Code, as amended. In the case of an amendment other than that prepared by the Township Planning Commission, the Brown Township Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations.

3. County Planning Commission Review. At least thirty (30) days prior to the hearing on any amendment by the Brown Township Board of Supervisors, the Township shall submit the proposed amendment to the Mifflin County Planning Commission, to provide the Mifflin County Planning Commission with an opportunity to submit recommendations.

4. Amendments Involving Zoning Map Changes. If the proposed amendment involves a Zoning Map change, notice of the said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected parcel, tract or area to notify potentially interested citizens. The affected parcel, tract or area shall be posted at least one (1) week prior to the date of the hearing.

5. In addition to the requirement that notice be posted, as aforesaid, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township of Brown at least thirty (30) days prior to the date of the hearing by first class mail to

the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township of Brown. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

#### 6. Enactment of Amendments.

A. Proposed amendments shall not be enacted unless there is a public hearing held pursuant to the public notice aforesaid and unless notice of proposed enactment is given in the manner set forth in this Section and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

B. The Township shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then:

(1) A copy thereof shall be supplied to the newspaper in general circulation in the Township at the time the public notice is published.

(2) An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the Mifflin County Commissioners who may impose a fee no greater than necessary to cover the actual costs of storing the ordinance.

C. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Brown Township Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise in one newspaper of general circulation in the Township a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

D. Within thirty (30) days after enactment of any amendment to this Ordinance, a copy of the amendment shall be forwarded to the Mifflin County Planning Commission.

#### **SECTION 1815 - Procedure for Landowner Curative Amendments.**

1. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Brown Township Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.1. The Brown Township Board of Supervisors shall commence a hearing therein within sixty (60) days of the request as provided in § 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.1. The curative amendment and challenge shall be referred to the Brown Township Planning Commission and the Mifflin County Planning Commission as provided in § 609 and notice of the hearing thereon shall be given as provided in §§ 610 and 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Brown Township Board of Supervisors; provided, however, that the provisions of § 908(1.2) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10908(1.2) and § 908(9), 53 P.S. § 10908(9), shall not apply and the provisions of § 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.1 shall control. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Brown Township Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Brown Township Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner 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 this Ordinance or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, 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.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

#### **SECTION 1816 - Procedure for Township Curative Amendments.**

If the Brown Township Board of Supervisors determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take the following actions:

1. The Brown Township Board of Supervisors shall declare, by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Brown Township Board of Supervisors shall:

A. By resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:

(1) References to specific uses which are either not permitted or not permitted in sufficient quantity.

(2) Reference to a class of use or uses which require revision.

(3) Reference to this entire Ordinance which requires revisions.

B. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Brown Township Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of this Ordinance pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609, in order to cure the declared invalidity of this Ordinance.

3. Upon the initiation of the procedures, as set forth in Section 1816.1 above, the Brown Township Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under § 609.1, of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10609.1) nor shall the Zoning Hearing Board be required to give a report requested under § 909.1 (See 53 P.S. § 10909.1) or § 916.1 of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10916.1) subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection 1816(1)(i). Upon completion of the procedures as set forth in Subsection 1816.1 and 1816.2 above, no rights to a cure pursuant to the provisions of §609.1 of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10609.1) and § 916.1 of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10916.1) shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended zoning ordinance for which there has been a curative amendment pursuant to this section.

4. The Township of Brown having utilized the procedures as set forth in Subsection 1816.1 and 1816.2 above, may not again utilize said procedure for a 36 month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance, pursuant to Subsection 1816.2 above; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township of Brown by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Brown Township Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

**ARTICLE XIX**  
**CONFLICT AND VALIDITY**

**SECTION 1901 - Severability**

The regulations and provisions of this Ordinance are severable, and if any of the regulations or provisions of this Ordinance shall be held to be illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining regulations or provisions of this Ordinance. It is hereby declared to be the intent of the Brown Township Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional regulation or provision had not been included herein.

**SECTION 1902 - Repealer and Savings**

Any Ordinance or part of any Ordinance or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance, specifically including the Brown Township Zoning Ordinance, Ordinance No. 1973-1, as amended, which is repealed and superseded hereby; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting with or not inconsistent herewith, are hereby confirmed. Specifically, the Brown Township Flood Plain Ordinance, Ordinance No. 1992-1, as recently amended by Ordinance No. 2006-2, and the Airport District Zoning- Height Ordinance, Ordinance No. 1994-1 and their provisions are hereby confirmed and they are not repealed hereby.

**SECTION 1903 - Effective Date**

Upon publication and adoption, the effective date of this Ordinance shall be five (5) days after the date of adoption of this Ordinance.

**ORDAINED AND ENACTED** by the Brown Township Board of Supervisors, Mifflin County, Pennsylvania, in public session assembled, this \_\_\_\_ day of \_\_\_\_\_, 2011.

**BOARD OF SUPERVISORS**

**TOWNSHIP OF BROWN,**

Mifflin County, Pennsylvania

Attest:

\_\_\_\_\_  
Secretary

(SEAL)

By: \_\_\_\_\_

Eugene I. Glick, Chairman

\_\_\_\_\_  
Richard F. Yearick, Vice Chairman

\_\_\_\_\_  
Gerald R. Middlesworth - Supervisor

**Page Intentionally Blank**

APPENDIX A

to

## Brown Township Zoning Ordinance

- A.1. The Zoning Officer, in the discharge of his duties, and upon proper identification, is hereby authorized to enter any lot, building, structure or premises in the Township to see that the standards and provisions of this Ordinance and the standards and provisions of the Flood Plain Ordinance and the Airport District Zoning – Height Ordinance are complied with:

Monday through Friday, except holidays, during announced business hours; or by appointment at the convenience of the owner or occupant or contractor; or at any time when work is in progress; or at any time when the lot, building, structure or premises are open to the public.

- A.2. Before he may enter any lot, building, structure or premises, the Zoning Officer shall deliver to the owner, occupant or contractor a written form evidencing the reason for his inspection. Thereupon, if entry is refused, unduly delayed, or made unduly impractical by the owner, occupant or contractor, the Zoning Officer is hereby authorized to apply to a Magisterial District Judge for a search warrant authorizing entry at any time and day within two (2) days of the warrant's issuance.
- A.3. Nothing in this Appendix or in any Ordinance shall be construed so as to prohibit the entry of the Zoning Officer at any time without a written reason or a search warrant when entry is by permission or request of the owner, occupant or contractor, or when entry is upon premises open to the public, or when a permit has been obtained and work is in progress, or when an actual emergency tending to create an immediate danger to health or safety exists, or when following an accident or casualty an immediate inspection is required to determine if an immediate danger to health or safety exists.
- A.4. Inspection by Zoning Officer shall not have for its purpose the harassment of the owner, occupant or contractor; and such inspection shall be made so as to cause the least amount of inconvenience to the owner, occupant or contractor, consistent with the purposes and provisions of this Ordinance and the purposes and provisions the Flood Plain Ordinance and the Airport District Zoning – Height Ordinance and consistent with the efficient discharge of the duties of the Zoning Officer.
- A.5. Whenever the Zoning Officer determines that a use, building, structure, feature or other condition does not comply with the regulations or provisions of this Ordinance or the Flood Plain Ordinance or the Airport District Zoning – Height Ordinance, he shall give notice of that fact to the owner, occupant or contractor, as the case may require. The notice shall be in writing; identify the lot or premises where the use, building, structure, feature or condition is located; and state the reasons why the use, building, structure, feature or condition does not comply with the regulations or provisions of this Ordinance or the Flood Plain Ordinance or the Airport District Zoning – Height Ordinance. The notice shall contain an order that the owner, occupant or contractor, as the case may be:

- (1) Take such action to correct the use, building, structure, feature or condition as is deemed necessary by the Zoning Officer to have the use, building, structure, feature or condition comply with the regulations or provisions of this Ordinance or the Flood Plain Ordinance or the Airport District Zoning – Height Ordinance.
- (2) Stop work until the use, condition or violation on which the order is based has been remedied; or
- (3) Cease and desist from continuing the use, condition or violation.

A.6. An order to correct, a stop-work order, or a cease and desist order shall be served upon the owner, occupant or contractor, as the case may require:

- (1) By sending a copy of the order by certified mail, return receipt requested, to his last known address; or
- (2) By handing a copy to him; or
- (3) By handing a copy to any adult person in apparent charge of his residence or office; or in apparent charge of the work; or in apparent charge of the building, structure or premises where the work is located; or in apparent charge of the use, building, structure, feature or condition which is the subject of the order.

If service of the order is made by hand, it may be made by any adult person in the employ of the Township, who shall make a return of service setting forth the day, hour and place of service and the name of the person to whom a copy of the order was handed.

A.7. If the Zoning Officer determines that there are grounds to believe that the order to correct or stop-work order or the cease and desist order has not been carried out, and if the owner, occupant or contractor subject to the order does not grant the Zoning Officer permission to enter for the purpose of determining whether the order has been carried out, the Zoning Officer is hereby authorized to apply to a Magisterial District Judge for a search warrant authorizing entry at any time and day within two (2) days of the warrant's issuance.