

**ORDINANCE 2007-5**  
**ZONING ORDINANCE OF THE**  
**TOWNSHIP OF GRANVILLE, MIFFLIN COUNTY, PA**

An Ordinance for the Township of Granville, enacted on August 6, 2007.

This Ordinance permits, prohibits, regulates and determines 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; areas and dimensions of land bodies of water to be occupied by uses and structures; and the other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use; and further the Ordinance contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; for special exceptions and variances to be administered by a Zoning Hearing Board; provision for conditional Uses to be decided by the Supervisors of the Township of Granville, provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of the Ordinance.

Pursuant to the authority conferred by the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended, the Supervisors of the Township of Granville hereby enact and ordain as follows:

**ARTICLE 1 – GENERAL PROVISIONS**

**1.100 SHORT TITLE**

This Ordinance shall be known and cited as the “Amended Zoning Ordinance of 2007 for the Township of Granville”.

**1.200 APPLICATION OF ORDINANCE**

No building, sign or other structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance. However, this Ordinance shall not require any change to any building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or to any building, structure or use planned, any construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within the one (1) year period after the effective date of this Ordinance, or any amendment thereto, except as otherwise provided herein.

### 1.300 JURISDICTION

The regulations and provisions of this Ordinance shall apply to and affect the entire geographic area of Granville Township, Mifflin County, PA, as shown on the zoning map included herein.

### 1.400 PURPOSE OF THIS ORDINANCE

This Ordinance is enacted to implement the Comprehensive Plan for the Township of Granville in accordance with the provision of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247 as reenacted and amended for the following purposes:

- To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical development of the Township, the proper density of the population, the provision of adequate light and air, protection of persons and property, the maintenance and improvement of the aesthetic qualities of the schools, public grounds and other public requirements and the protection of the environment.
- This Ordinance is also designed to prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other danger; and to give consideration to the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

### 1.500 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

To promote and protect the practical and coordinated development of balanced residential, mixed, commercial and industrial uses in light of existing or proposed municipal facilities and services; to control the use and development of land consistent with its existing character and the character of the neighborhood while taking into consideration the community need, the most appropriate use of the land or the suitability of the land for particular uses or structures; and in a geographical area of natural and scenic beauty, to achieve balanced uses of land and buildings for residential, mixed, commercial and industrial purposes as objects and values in themselves, which will contribute to public welfare.

This Zoning Ordinance is a departure from the present comprehensive plan. However, the Supervisors find that circumstances have changed since the enactment of the comprehensive plan. It is imperative for the orderly growth of the Township in a timely manner to adopt this ordinance and there is insufficient time for the completion of a new comprehensive plan and approval of new community development objectiveness.

It is no longer in the best interest of the Township to preserve unproductive agriculture land that is adjacent to residential/industrial areas, and/or consists of less than desirable soils nor is it in the best interest of the Township to continue to require large lots for residential dwellings.

#### 1.600 INTERPRETATION AND VALIDITY

- 1.601 Interpretation – In the interpretation and the application of the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances provided that where this

Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall prevail.

- 1.602 Validity – If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, unenforceable or invalid, such decision shall not affect its remaining portions. The Supervisors of the Township of Granville hereby declare that it would have passed this Ordinance and each section and subsection thereof irrespective of the fact that any one or more of its sections, subsections, clauses or phrases may be found by court to be unconstitutional or otherwise invalid.

No provision contained in this Ordinance is intended to discriminate against persons protected under Federal Commonwealth of Pennsylvania laws pertaining to equal opportunity, civil rights, the elderly or persons with disabilities.

#### 1.700 EFFECTIVE DATE

The Ordinance shall take effect five (5) days subsequent to adoption.

## ARTICLE 2 – DEFINITIONS

### 2.100 APPLICABLE DEFINITIONS

Except where specified the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “occupied” or “used” shall include “arranged, designed, constructed, altered, converted, rented, leased or intended to be used”; and the word “shall” in intended to be mandatory and the word “may” is permissive; the word “abut” shall include the words “directly across from” and the word “lot” includes “parcel”, “tract” or “plot”. All definitions pursuant to Article 1, Section 107 of Municipalities Planning Code (MPC) are hereby incorporated by reference.

- 2.101 Abutting – Adjoining or touching the sense and meaning that the objects are so joined or united to each other that no third object intervenes. To be distinguished for “adjacent” which implies that the objects do not actually touch although they are contiguous or not widely separated.
- 2.102 Accessory Building – A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
- 2.103 Accessory Use – A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 2.104 Adult Oriented Uses or Activities – Adult oriented uses or activities shall include the exhibition, the conduct of live activities or uses, or the dissemination by sale, loan or otherwise of explicit sexual materials, and/or of obscene nature; if such uses or activities comprise more than 20 percent of the stock in trade of the premises or constitute, from time to time, the primary or major attraction to the premises.
- a. Explicit Sexual Materials, as defined herein, means:
1. Any picture, photograph, drawing, sculpture, motion picture film or other similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse; or
  2. Any book, pamphlet, magazine, printed matter, video tape, computer disk or other device, however reproduced, or sound recording which contains any matter enumerated in subparagraph 1, above, or explicit and detailed verbal excitement, sexual conduct or sadomasochistic abuse, or sexual related violence.

b. Obscene Nature, as defined herein, means:

1. The average person, applying contemporary community standards, would find that the subject matter taken as a whole appeals to the prurient interest;
2. The subject matter depicts or describes in a patently offensive way materials of the type described hereinabove; and
3. The subject matter, taken as a whole, lacks serious literary artistic, political, educational or scientific value.

c. Words and phrases used herein shall have the meanings given to them under Title 18 PA C.P.S.A. Section 5903 and any amendments, from time to time, thereto.

- 2.105 Adult Book, Video or Computer Store or Establishment – An establishment having a portion of its stock in trade, including but not limited to books, magazines, photographs, slides, graphic displays or other information, including such information stored or displayed by video or computer equipment or other electronic means or other materials which are distinguished by their emphasis on matter depicting, describing or relating to “explicit sexual materials and/or obscene materials” as defined herein.
- 2.106 Adult Picture Theater – An enclosed building or outdoor theater used for presenting motion pictures, slides, video tapes, computer graphic displays or other reproduced images by any means, or for live activities or uses, distinguished or characterized by an emphasis on matter depicting, describing or relating to “explicit sexual materials and/or obscene materials” as defined herein.
- 2.107 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 developments within the agricultural industry.
- 2.108 Alley – A public thoroughfare which affords only a secondary means of access to abutting property.
- 2.109 Alterations, Structural – As applied to a building or structure, a change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on

a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

- 2.110 Animal Husbandry – The raising and keeping of livestock and poultry, with the intent of producing capital gain, or profit or with the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets, or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.
- 2.111 Automotive Junkyard – A place where two (2) or more motor driven vehicles, which do not bear a current state inspection sticker and/or license plate and/or their related parts are stored or disassembled.
- 2.112 Auto, Trailer or Boat Sales Area – An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, trailers or boats in operable condition and where no repair work is done.
- 2.113 Auto Service Station – A building or place of business where gasoline and automobile accessories are dispensed directly to the motor vehicle trade, and where automotive repair services may be rendered.
- 2.114 Auto Wrecking – The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 2.115 Basement – A floor level partly or completely below grade. A basement shall be considered a story if more than one-third (1/3) of the perimeter walls are five (5) feet or more above the finished grade level of the ground immediately adjacent to the walls.
- 2.116 Bed and Breakfast Homestead or Inn – An owner-occupied single family detached residence which contains six (6) or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is included in the charge for the room.
- 2.117 Board – See Zoning Hearing Board
- 2.118 Boarding House or Rooming House – A building containing one or more dwelling accommodations in which at least two rooms are offered for rent for periods of one month or longer, to adults aged 18 years or older, payable in money or other consideration, including meals which may be furnished to occupants, but where no public restaurant is maintained. A school or college dormitory, fraternity/sorority house, membership club with residents and other similar uses is not deemed to be a boarding or rooming house.

- 2.119 Building – A structure designed, built or occupied as a permanent or continuous shelter or roofed enclosure for persons, animals or property and used for residential, business, commercial, mercantile, storage, manufacturing, industrial, assembly, educational, recreational or agricultural purposes. *The word “building” shall be construed as if followed by the words “or part thereof”.*
- 2.120 Building Coverage Maximum – The maximum coverage ration obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports, breezeways but excluding open patios, parking areas, swimming pools, tennis courts and other structures which are open to the sky) by the total area of the lot upon which the buildings are located. Said ground floor area shall be computed by using the maximum outside building dimensions, including cantilevered areas measured on a horizontal plane.
- 2.121 Building Height – The vertical distance derived from the average of the finished grade at the foundation corners of the building structure to the highest point of the building or structure, excluding a chimney or other similar structure *as listed in Section 5.102.*
- 2.122 Building, Principal – A building in which is conducted the main or principal use of the lot on which it is situated.
- 2.123 Building Restriction or Setback Line – A line which designates the minimum distance between any building and/or use and adjacent road right-of-way or property line. Such line shall be measured at right angles from the front, side or rear street right-of-way or property lines which abut the property upon which said building and/or use is or is to be located and parallel to said right-of-way or property line.
- 2.124 Bulk – The size and shape of building uses and the exterior relationship of their exterior walls, or their location to lot lines and other buildings or walls of the same building; and all open spaces required in connection with a building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area per dwelling unit, lot width and depth, building height, required yards, building coverage, courts, usable open space, floor area ratio, spacing between building on a single lot and the length of buildings in a row.
- 2.125 Campground and Campsite – A campground is a plot of ground, upon which two or more campsites are located, established or maintained for temporary occupancy by person(s) using recreational vehicles, travel trailers, tents or seasonal dwellings.
- A campsite is a plot of ground within a campground intended for occupied by a recreational vehicle, a travel trailer, a tent or a seasonal dwelling.
- 2.126 Cellar – The portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average

grade of the abutting ground. For the purpose of this Ordinance, a cellar shall not be counted as a story.

- 2.127 Club House or Lodge – A building to house a non-profit or social organization and which is not adjunct to or operated by or in connection with a public tavern, café or other public place.
- 2.128 Commission – See Planning Commission
- 2.129 Commercial Vehicle – Any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use, except for pick-up truck not exceeding a total of 10,000 pounds of gross vehicle weight. Any motor vehicle including passenger cars and pick-up trucks of any size, which by reason of a characteristic coloring or marking exceeding one square foot in area is identified or commonly associated with any business, industry or public agency shall be considered a commercial vehicle within the terms of this Ordinance. Unmarked passenger cars used in business by a resident shall not be considered to be a commercial vehicle.
- 2.130 Community Garage – A building or group of buildings on one lot, used for the housing or storage of two or more passenger motor vehicles and in which passenger motor vehicles owned or operated by the occupants of houses located in the neighborhood are housed or stored and in which no occupation for gain or business for profit is conducted.
- 2.131 Comprehensive Plan – The official Comprehensive or Land Use Plan of the Township of Granville as adopted by the Township Supervisors.
- 2.132 Conditional Use – A use which by virtue of its own particular characteristics may be permitted in particular areas only after review and recommendation by the Planning Commission and after a public hearing and approval by the Supervisors pursuant to express standards and criteria set forth in this Ordinance.
- 2.133 Consistency – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.
- 2.134 Convalescent Home – See Nursing Home
- 2.135 Crop Farming – The raising and keeping of field, truck and tree crops. For the purpose of this Ordinance, the term “Crop Farming” does not include animal husbandry.
- 2.136 Curative Amendment -
1. Landowner Curative Amendment – A proposed amendment to the Zoning Ordinance which may be prepared by the landowner who desires to challenge, on



substantive grounds, the validity of the Zoning Ordinance or Map, or any provisions thereof.

2. Township Curative Amendment – A proposed amendment to the Zoning Ordinance which may be prepared by the Township, as an alternate amendment to a proposed curative amendment prepared by the landowner.

All curative amendments shall conform with the requirements of Section 609.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

- 2.137 Deck – See definitions of “Patio” and “Porch”
- 2.138 Density, Gross Project – The gross project density of a residential subdivision, land development, planned residential development or residential cluster development, measured in residential units per acre, shall be equal to the total number of residential dwelling units divided by the permanent gross total project area in areas to the development, including private drives, parking areas, recreation and common open space and other related uses permitted in the development.
- 2.139 Density, Net Project – The net project density of a residential subdivision, land development, planned residential development or residential cluster development measured in residential units per acre, shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas, parking areas to serve residents, or permitted accessory uses (such as public or private street right-of-ways, recreation and common open space and other related residential uses).
- 2.140 Detention Centers – An interment or treatment facility for person(s) charged with, or convicted of, criminal offenses (including juvenile delinquents), and/or other person(s) involuntarily committed under applicable mental health or other statutes.
- 2.141 District or Zone – A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 2.142 Dump - A site primarily used for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose or waste material which is operated in an environmentally safe manner, in accordance with applicable Federal, State or Local requirements and/or permits.
- 2.143 Dwelling – Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons and as defined further below. The term dwelling shall not be deemed to include automobile court,

rooming house, tourist home, hotel, motel, nursing home, dormitory, fraternity or sorority house or family care or group care facility or a seasonal dwelling as defined herein.

- a. Dwelling Unit – One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family (as defined herein) for living and sleeping purposes, and having a separate and independent entrance.
- b. Dwelling, Single Family Detached – A detached building on a permanent foundation, designed for or occupied exclusively as a residence by one family, except for an “Accessory Dwelling Unit” as defined below, including a “Mobile Home Dwelling” as defined below, except that such mobile home must be located on a permanent foundation.
- c. Dwelling, Single Family, Semi-Detached – A building on a permanent foundation, designed for use as a single dwelling unit to be occupied exclusively as a residence by one family, which has only one side yard and one party wall in common with another building.
- d. Dwelling, Two Family Detached – A detached building on permanent foundation in which not more than two individual family or dwelling units are entirely separated by vertical walls and/or horizontal floors, and where each dwelling unit has a completely separate entry and exit.
- e. Dwelling Structures, Multi-Family – Multi-family dwelling structures are structures which contain three or more dwelling units, including dwelling units commonly referred to as townhouses, row houses, garden apartments or quadruplex units or high rise units for the elderly or other designations.
- f. Dwelling, Mobile Home – A transportable single family dwelling structure constructed on a permanent foundation, intended for permanent occupancy for use by one family, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; except for a travel trailer as defined herein; and excluding such mobile home dwellings or prefabricated homes or sections thereof which when assembled or combined into a single unit are more than 19 feet in width and no longer capable of being separated for repeated towing.
- g. Dwelling Unit, Accessory – A separate second dwelling unit which may be located within a structure in which the principal use is for a single family dwelling provided that such accessory dwelling shall be permitted only if it conforms with the following conditions:

- Shall not exceed three (3) rooms or 800 square feet in total livable area or 40 percent of the total residential floor area (excluding basement and attic floor space), whichever is less.

- Is not intended for occupancy by more than two (2) persons.

- The entire dwelling structure, including both the principal and the accessory dwelling unit shall remain in the same ownership at all times, and the principal unit shall be occupied by the owner of the structure at all times. In the event that this condition ceases to exist then the use of the accessory dwelling unit shall be terminated in the structure.

h. Dwelling, Efficiency – A configuration for a dwelling unit within a multi-family or apartment building where a separate bedroom is not provided and the sleeping quarters are located in the same room as the living quarters.

i. Dwelling, Seasonal – A cabin, lodge, summer house or other structure designed and intended for temporary occupancy by one family for less than 150 days of the year. Said seasonal dwelling shall not be larger than 800 square feet in floor area as defined herein.

2.144 Dormitory – A residence hall or building which provides sleeping rooms to be used primarily by students of a school or college or by members of a club, fraternity, sorority or other institution.

2.145 Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including building, except telephone booths, fire houses, pump stations, treatment plants and similar facilities which shall also be considered essential service facilities hereunder.

2.146 Family – a single individual living in a single and separate dwelling unit or any number of individuals living together in a single and separate dwelling unit in a domestic relationship – as distinguished from an individual or a group of individuals occupying a boarding house, club, fraternity or hotel.

2.147 Family Care Facility – A facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. Those individuals shall include persons in need of medical and/or adult supervision and/or treatment and are provided service and supervision by members

of the residential household in accordance with their individual needs. This category includes foster or boarding houses for children, but does not include “Detention Centers” as defined herein.

- 2.148 Farmstead – A group of buildings including a single family dwelling, barn and accessory buildings typically found on a farm and which are only required for the operation of a farm.
- 2.149 Fence – Any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. For the purpose of this Ordinance, a fence is a boundary line fence when the average center line of the fence is established on the lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.
- a. Natural Living Fence – A barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered to be a fence if 50% or more of the horizontal length of such materials or growth within six feet of the ground surface provides a visual screen or obstruction to vision.
- b. Fabricated Materials Fence – Any structure or wall, regardless of composition of material, except for a natural living fence, which is constructed and installed to act as a visual or physical outdoor barrier.
- 2.150 Floodplain – The lands adjoining a river or stream that have been or may be expected to be inundated by floodwaters in a 100-year frequency flood.
- 2.151 Floodway – The channel of the watercourse and portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.
- 2.152 Flood Prone Areas – A Flood Prone Area is an area subject to flooding as defined in and Flood Plain Management Ordinance adopted by the Municipality and as it may be amended thereafter.
- 2.153 Floor Area – The sum of the gross areas of the floors of every story of a building measured from the exterior faces of the exterior walls or from the center lines of common or party walls separating two buildings.

- 2.154 Floor Area Ratio – The total floor area of a building divided by the area of the lot on which it is located. Regardless of the internal arrangements of a building, it shall be deemed to have at least one story for each twenty feet of height or fraction thereof.
- 2.155 Forestry – Woodlands, timber tracts, tree farms, forest nurseries, the gathering of forest products and the provision of forest services including the operation of a sawmill, but excluding other wood manufacturing businesses.
- 2.156 Front Yard – The open unoccupied space on the same lot with the principal building, extending the full width of the lot and located between the street line and the front line of the principal building projected to the side lines of the lot.
- 2.157 Garage, Community – A building or group of buildings, used exclusively for the storage and parking of automobiles and not used for making repairs thereto.
- 2.158 Garage, Private – An accessory building or part of a principal building used only for the storage of private motor vehicles and other personal effects of the occupant of the principle structure.
- 2.159 Garage, Service – A building or part thereof used for the repair of motor vehicles for remuneration and not used for dismantling or scrapping of motor vehicles
- 2.160 Grade – When the curb level has been established and the front line of the building is 15 feet or less from the street line, grade – with reference to a building – means the mean elevation of the curb level, opposite the building. When the curb level has not been established or if all the walls of the building are more than 15 feet from the street line, grade means the mean elevation of the ground abutting the building on all sides.
- 2.161 Group Care Facility – A facility which provides resident services to seven (7) or more individuals of whom one or more are unrelated, who are being cared for by a supervisory staff. These individuals shall include persons in need of medical and/or adult supervision and treatment and are undergoing rehabilitation for physical or mental disabilities or other problems, and are provided services to meet their individual needs. This category includes uses licensed or supervised by any Federal, State or County health/welfare agency, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes, but does not include “Residential Care Facilities” for the elderly and “Nursing Homes” or “Detention Centers” as defined herein.
- 2.162 Height – With reference to a building, the height of a building means the vertical distance from grade to a point midway between the highest and lowest point of the

roof – excluding chimneys, flues, spire, water tanks, elevator houses, ventilators and similar projections which are usually carried above the roof level but are integral parts of the building.

2.163 Heliport – An area that is used for the landing and take-off of helicopters and including some or all of the auxiliary facilities useful to the helicopters’ operation such as helicopter parking, waiting room, fueling and maintenance equipment.

2.164 Home Occupation – Activities undertaken on residential and agricultural properties, by a resident of the property and by other persons as may be permitted by this Ordinance, which are carried out with the intent of earning an income. Such activities are classified into the following three (3) categories:

a. Home Occupation – An accessory use to a residential dwelling unit which is permitted under the terms of this Ordinance. Such uses are restricted in size and scope, as required herein, to safeguard the residential area in which they are located.

b. 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, deliver or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

- 2.165 Hospital – A building or part thereof used for the medical, psychiatric, obstetrical or surgical care, on a 24 hour basis, of four or more in-patients. Hospital shall include general hospitals, mental hospitals, tuberculosis hospitals, children’s hospitals and any such facilities providing medical inpatient care.
- 2.166 Hotel – A building or group of buildings designed to serve the public, with one or more outside entrances which contains six or more permanent bedrooms and which are designed, arranged and used for the overnight lodging of travelers or for temporary occupancy of transients; and which may include a public dining room and kitchen.
- 2.167 Junk and Junk Yard -
- a. Junk – Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used machinery, used vehicles which are not in operating condition, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods, any of which are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or processed for reclamation, salvage or recycling.
- b. Junk Yard – A junk yard shall consist of an outdoor storage yard or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, where no less than 40 percent of the storage, processing and associated activities take place in an enclosed building.
- 2.168 Lot – A designated area of land, also referred to as a parcel, tract, established by a plat or otherwise, as permitted by law, to be used, developed or built as a unit.
- a. Lot Area – The computed area contained within the lot lines.
- b. Lot, Corner – A lot situated at an intersection of two streets, where said lot has frontage on both streets.
- c. Lot, Depth – The average distance between the front and the rear lot line.
- d. Lot, Width – The width of the lot between side lot lines measured at the front building line as prescribed by the front yard regulations.
- 2.169 Medical Office Building – A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
- 2.170 Membership Club – See “Social Hall, Club or Lodge”

- 2.171 Mobile Home Park – A parcel of land at least ten acres in size, under single ownership, which has been planned and improved for the placement of two or more mobile homes for non-transient use.
- 2.172 Motel – A building, group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers, and provided with accessory off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts and other similar uses.
- 2.173 Multi-Family House – A dwelling constructed or designed for, and occupied by three or more dwelling units.
- 2.174 Municipality or Township – The 2<sup>nd</sup> Class Township of Granville located in Mifflin County, PA.
- 2.175 Non-Conforming Lot – Any lot, legally existing at the date of passage of this Ordinance, which does not conform with either one or more of the following; the minimum width, depth and area dimensions specified for the district where such lot is situated.
- 2.176 Non-Conforming Use or Structure -
- a. Non-Conforming Structure – A building or structure or part thereof, manifestly not designed to comply with the applicable use, or extent of use provisions in a zoning ordinance or amendment thereto or hereafter enacted where such a building or structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.
  - b. Non-Conforming Use – A use, whether of land or building or structure, which does not comply with the applicable use provisions of the Zoning Ordinance or amendment thereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment, or prior to this application of such ordinance or amendment to its location by reason of annexation.
- 2.177 Nursing Home – An institutional use licensed under the laws of the Commonwealth of Pennsylvania, for lodging, boarding and nursing care, including any premises containing sleeping rooms or beds to be used by seven or more persons who are lodged and furnished with meals, related facilities and professional staff and nursing care on a 24 hour basis. Nursing homes shall also include convalescent homes, skilled nursing facilities, intermediate care facilities and infirmaries located within homes for the aged.



- 2.178 Obstruction to Vision – An “obstruction to vision” is defined as any structure, fence, sign, plant material or other obstruction which obstructs vision between a height of two to ten feet above the center line grade of the adjoining streets or driveways within the triangle formed by the street or driveway intersection, created by the right-of-way line of each street or driveway extended to a point and a line drawn between two points on the right-of-way line of each street or driveway intersection for local and collector streets, and 30 feet for major State and Federal traffic routes. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.
- 2.179 Parcel – See definition of “Lot”
- 2.180 Patio – A surfaced ground area, or a courtyard or a deck less than one foot above the highest ground elevation over which it is located designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls, shrubs or hedges less than four (4) feet in height. Outdoor areas which are screened or enclosed by a roof or awning shall be considered a structure. (See definition of “Porch”)
- 2.181 Permit – A document issued by the proper authority of the municipality authorizing an applicant to undertake certain activities, as further defined below:
- a. Zoning Permit – A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance or with an order of the Zoning Hearing Board or Council and authorizing an applicant to proceed with said use, building or structure.
  - b. Building Permit – A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code adopted by the municipality, which authorizes an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as may be required under the terms of this Ordinance.
  - c. Occupancy Permit – A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.
- 2.182 Permitted Use – Any use which does not require special action by the Planning Commission, the Zoning Hearing Board or the Supervisors before a Zoning Permit is granted by the Zoning Officer.
- 2.183 Person – An individual, firm, corporation, association or partnership, including a fiduciary acting in any capacity and including an agent of the foregoing. When

used in any provision of this Ordinance which prescribes and imposes a fine or penalty, the word “person” when applied to firms, associations or partnerships shall mean the members or partners thereof and when applied to corporations shall mean the officers thereof.

- 2.184 Planned Cluster Residential – An area of land at least ten acres in size, controlled by a landowner, to be developed as a single entity for ten or more dwelling units, the development plan for which may include either single family, two family or multi-family dwellings.
- 2.185 Planning Commission – The Planning Commission of the Township of Granville established in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- 2.186 Porch – A structure or part of a structure which is enclosed on one or more sides by a fence or wall which is four (4) feet high or higher or covered by a roof or awning; or a structure which would otherwise be classified as a patio or a deck except that it is more than one foot above the highest ground elevation over which it is located.
- 2.187 Premises – Any principal building or structure or the lot or tract of land on which the principal building or structure is located and all accessory buildings and structures and all accessory uses and all yards, open spaces, parking spaces and loading spaces.
- 2.188 Prime Agricultural Land – Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.
- 2.189 Principal Use – The primary or most important or main use of a lot, parcel or structure.
- 2.190 Professional Office – Professional Offices shall include the office of a physician, dentist, optometrist, architect, landscape architect, engineer, planner, insurance broker, realtor, accountant, lawyer, author or other member of recognized profession.
- 2.191 Public Garage – A building, other than a community garage or a private garage, in which passenger or commercial motor vehicles are housed, stored, repaired, equipped for operation or kept for sale or lease.
- 2.192 Public Notice – Notice for a Public Hearing published once each week for two consecutive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the Hearings and the particular nature of the

matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the Hearing.

- 2.193 Public Right-of-Way – Land reserved for use as a street, alley, interior walk or for other public purpose.
- 2.194 Rear Yard – The open unoccupied space on the same lot with the principal building, extending the full width of the lot and located between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot.
- 2.195 Recreational Vehicle – A vehicle or piece of equipment, either self powered or designed to be towed, intended primarily for recreational or leisure time use. Such vehicles may include travel trailers as defined herein, campers, vehicles adapted for leisure time use, snowmobiles, mini-bikes, boat trailers and other similar vehicles.
- 2.196 Research Center – Land under single ownership or agreement, planned and developed to provide service sites for structures and facilities, devoted to experimentation in pure or applied scientific research, or to design, development and testing of new prototype machines, devices, products or processes, and all accessory structures and facilities necessary to the operation thereof.
- 2.197 Residential Care Facility for the Elderly – A residential complex, located on a site of at least five (5) acres, containing dwelling units and 24 hour staff services to provide assistance and are for elderly residents capable of independent or semi-independent living, each of whom are primarily (at least 65%) at least 55 years of age or handicapped (or the spouse of an otherwise qualified resident), but not requiring “Nursing Home” care.
- 2.198 Residential Retirement Complex – A planned residential development for persons of retirement age located on a site of at least five (5) acres or more which is held in one ownership and which provides residential living accommodations and certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking and related facilities and other support services.
- 2.199 Resort – A business situated on a lot containing five acres or more, combining lodging, eating, recreational or entertainment facilities as a single enterprise offered to the public at large or any segment thereof, subject to the requirements contained herein.
- 2.200 Rooming or Boarding House – A building containing one or more dwelling accommodations in which at least two (2) rooms are offered for rent for periods of one (1) month or longer, to adults aged 18 years or older, payable in money or

other consideration, including meals which may be furnished to occupants, but where no public restaurant is maintained. A school or college dormitory, fraternity/sorority house, membership club with residents and other similar uses is not deemed to be a boarding or rooming house.

- 2.201 Rural Area Business – See “Home Occupations and Rural Area Businesses”
- 2.202 Rural Resource Area – An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted and public infrastructure services are not provided except in villages.
- 2.203 Sanitary Landfill – A land site designed to meet the requirements of the Commonwealth of Pennsylvania Department of Environmental Protection (DEP) and on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.
- 2.204 Sanitary Sewer System (Private) – A privately owned sewer system designed and constructed to collect, centrally treat and dispose of sewage from any portion of a development or area.
- 2.205 Sanitary Sewer System (Public) – A sewer system serving all or a portion of the municipality developed and administered by a governmental agency or authority.
- 2.206 Satellite Earth Stations – A dish-shape antenna designed to receive television broadcasts or other electro-magnetic signals, and which are relayed by microwave signals or other electro-magnetic, laser or similar devices from earth orbiting communication satellites.
- 2.207 Side Yard – The open unoccupied space on the same lot with the principal building and located between the building and the side line of the lot and extending through the front yard and the rear yard for the entire depth of the lot.
- 2.208 Sign, Advertising – An “advertising sign”, also referred to as a “billboard”, is any graphic or visual display which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.
- 2.209 Sign, Business – A “business sign” is any graphic or visual display which directs attention to a business or profession or to a commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located, or to which it is affixed.

- 2.210 Sign, Gross Surface Area Of – The “gross surface area” of a sign or sign structure shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign or structure or display and in no case passing through or between any adjacent elements of same, but not including any structural or framing elements located outside the limits of the display of such sign.
- 2.211 Single & Separate Ownership – Ownership of any single amount of land by one person or by any number or persons together which is separate and distinct from the ownership of any abutting or adjacent land.
- 2.212 Single Family House – A dwelling constructed or designed for, and occupied exclusively by, one dwelling unit and which is completely detached from or does not abut any other dwelling or any other building other than an accessory building. A house trailer or mobile home which is used exclusively as a dwelling unit, is permanently affixed to the ground or to a permanent foundation and is connected to an approved water and sewer system shall be deemed to be a single family house if the motor vehicle Certificate of Title therefor has been surrendered or abandoned.
- 2.213 Social Hall, Club or Lodge – A building, structure, lot or land area, or portion thereof, used as a private club or social organization or for activities or services not generally extended to the general public and not conducted for individual profit or gain.
- 2.214 Special Exception – The permission granted by the Zoning Hearing Board in cases where provisions therefor have been made by this Ordinance.
- 2.215 Story – Portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor next above it, then the space between the floor and the roof next above it.

Half-Story – A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the surface of the floor.

- 2.216 Street – A public or private thoroughfare, having a right-of-way width of 33 feet or greater, which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road and any other thoroughfare except an alley.
- a. Public Street – A street, as defined herein above, which is dedicated to and accepted by the Municipality, or which is otherwise owned by the Municipality, and which is legally open to the general public for use as a means of vehicular and pedestrian traffic.

b. Frontage of Public Streets – No use shall be created nor any building occupied unless the lot or tract on which it is situated has frontage on a public street, or on a private street as may be permitted by the Township Subdivision and Land Development Ordinance, without traversing through or around another use and/or building; provided, however that private streets shall be access to and be connected to a public street.

All uses shall have a minimum frontage on a street as required by the Zoning Ordinance.

- 2.217 Street Line – The line defining the edge of the legal width of a street, including curbs and sidewalks; the line dividing a lot from a street.
- 2.218 Structure – Anything constructed or erected which requires stationary location on the ground or any thing attached to something having stationary location on the ground such as billboards, signs, fences or walls used as fences. The word “structure” shall be construed as if followed by the words “or part thereof”.
- 2.219 Subdivision – The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing property lines or lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.
- 2.220 Supervisors – The officially elected or appointed member of the Granville Township Board of Supervisors.
- 2.221 Swimming Pool – Any body of water or receptacle for the water having a depth at any point greater than two (2) feet which is used, or intended to be used, for swimming or bathing and constructed, installed or maintained in or above the ground, outside any building.
- 2.222 Temporary Occupancy – The use of any premises or structure for living and/or sleeping purposes for 150 or less days in any calendar year.
- 2.223 Township – See Municipality
- 2.224 Tract – See definition of “Lot”
- 2.225 Trailer, House Trailer or Mobile Home – Any licensed or unlicensed piece of equipment on wheels, designed or used for shelter, and constructed or designed to be pulled or towed by a motor vehicle.
- a. Dependent Trailer – A trailer having no plumbing facilities such as a flush water closet, lavatory basin, bathtub, shower or kitchen sink or having less than two exit doorways to the outdoors.

b. House Trailer – A trailer having a flush water closet, lavatory basin, bathtub or shower and a kitchen sink and two or more exit doorways to the outdoors. A trailer which lacks any of the foregoing shall be deemed to be a “dependent trailer”.

c. Mobile Home – A house trailer which is contained in two units designed to be joined into one integral unit but capable of again being separated for pulling or towing if not permanently affixed to the ground or to a permanent foundation and which arrives at a site complete and ready for occupancy except for minor or incidental unpacking and assembly operations.

\*As to when a house trailer or mobile home will be deemed to be a single family house, see “Single Family House”.

2.226 Trailer Court or House Trailer or Mobile Home Park – A tract of land in single and separate ownership which has been planned and improved for the leasing of house trailer or mobile home lots and which consists of two or more house trailer or mobile home lots.

House Trailer or Mobile Home Lot – Parcel of land in a trailer court or a house trailer or mobile home park, which is improved with water, sewer and other utility connections and other appurtenances necessary for the location (but not necessarily the permanent affixing) of a single house trailer or mobile home and which is leased by the court or park owner to the occupants of the house trailer or mobile home located on the lot for more than 30 consecutive days.

2.227 Travel Trailer – A vehicle not exceeding 36 feet in total length which can be moved over the highway and be used for the temporary living or sleeping purposes and standing on wheels and containing not more than one dwelling unit.

2.228 Two Family House – A dwelling constructed or designed for and occupied exclusively by two dwelling units – one on the first story and the other on the second story or side by side.

2.229 Usable Open Space – A portion of a lot or tract used for residential purposes exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

2.230 Use Class – A group of similar, related or compatible land uses which are grouped together for inclusion in one or more zoning districts.

2.231 Variance – The Zoning Hearing Board’s authorized departure from the provisions of this Ordinance where the Board finds that such provision(s) inflict undue

hardship upon an applicant, in accordance with the procedures set forth in this Ordinance and with the laws of the Commonwealth of Pennsylvania.

- 2.232 Water Supply System, Private – A privately owned water supply system designed and constructed to transmit and distribute water from a common source for domestic use, fire fighting and other purposes to any portions of a development or area.
- 2.233 Water Supply System, Public – A water supply system serving all portions of the municipality which has been developed and is administered by a governmental agency or authority.
- 2.234 Yard – An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line, as defined below, and which is unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.
- a. Yard, Front – An open space extending the full width of the lot between the principal building and the front lot line.
- b. Yard, Rear – An open space extending the full width of the lot between the principal building and the rear lot line.
- c. Yard, Side – An open space extending from the front yard to the rear yard between the principal building and the nearest side lot line.
- 2.235 Zoning Hearing Board – The Zoning Hearing Board of the Township of Granville.
- 2.236 Zoning Officer – The administrative officer charged with the duty of enforcing the provisions of this Ordinance.



## **ARTICLE 3 – ESTABLISHMENT OF ZONING DISTRICTS**

### **3.100 NAMES OF ZONING DISTRICTS**

The Township of Granville is hereby divided into the following districts:

- R – Residential
- A/R – Agriculture/Residential
- C – Commercial
- I/M – Industrial/Manufacturing

### **3.200 ZONING MAP**

The location and boundaries of these districts are established as shown on the hereby attached Zoning Map of the Township of Granville. The Zoning Map is hereby made a part of the Ordinance.

### **3.300 INTERPRETATION OF BOUNDARIES**

The boundaries between zoning districts are, unless otherwise indicated, either the center lines of streets, alleys, streams and railroad tracks or such property lines extended or lines parallel to such property line.

When a zoning district boundary line is indicated as approximately following a lot line such lot line shall be construed to be the zoning district boundary line.

**3.301 NO-IMPACT HOME BASED BUSINESS** – In all districts no-impact home based business shall be permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

## ARTICLE 4 – BASIC DISTRICT REGULATIONS

### 4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards and buildings within each zoning district are established in this Article.

#### 4.101 Regulations Governing the Use of Land – Regulations governing the use of land within the various Zoning Districts shall be as set forth in Schedule 1 and in Section 4.300.

Specific Use requirements and required criteria for such uses are included in the following Sections:

- a. Permitted Uses – See Section 4.301
- b. Special Exception Uses – See Section 4.302
- c. Conditional Uses – See Section 4.303

#### 4.102 Regulations Governing the Size of Lots, Yards and Buildings – Regulations governing the size of lots, yards and buildings in the various zoning districts for Permitted Uses only shall be set forth in Schedule II.

The size of lots, yards and buildings for Special Exception and Conditional Uses shall be as set forth in Sections 4.302 and 4.303 respectively, except where no requirement is indicated in these sections then the requirements in Schedule 1 shall apply.

### 4.200 PERFORMANCE AND ENVIRONMENTAL IMPACTS

#### 4.201 Performance and Environmental Impacts – In no district will an existing or proposed use be permitted or operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, environmental or other hazard; noise or vibration; smoke, dust, dirt, or other form of air, solid waste or water pollution; electrical, glare, light, major traffic impact and/or traffic congestion or other disturbance of a permanent or recurring nature which will adversely affect the surrounding area or premises, or be dangerous to public health and safety, as set forth in all State and Federal Regulations.

#### 4.202 Traffic Impact Requirements – All development projects will be evaluated by the Zoning Officer to determine the level of traffic impact on the Municipality and the area in which the project is to be located. This will apply to all new projects or uses proposed or to any expansion of an existing development which is proposed after the effective date of this Ordinance.

The level of traffic impact will be based on the estimated “trip ends” generated by the proposed uses in the project. “Trip ends” are defined as the total number of trips per day entering and leaving a specific land use or uses located in a project. These “trip ends” will be based on the estimated “trip generation rates” for various types of land uses based on Schedule III herein or on the latest edition of the publication entitled “Trip Generation, An Information Report”, published by the Institute of Transportation Engineers.

The total number of average daily “trip ends” shall also mean “Average Daily Traffic (ADT)”. Schedule III entitled “Trip Ends Per Day”, adapted from the above publication, may be used for estimating the ADT generated by any proposed project or addition to a project. In lieu thereof, the developer or the Township may use the latest edition of the above publication directly if it is considered to provide a more applicable estimate of the “trip ends per day” for the specific proposed use. However, the Supervisors shall make final determination or interpretation as to the specific uses or procedures in the publication which are most applicable to the proposed use.

- a. Determination of Major Traffic Impact – Any development which has an estimated ADT (or daily trip ends per day) in excess of 750 shall be considered to have a “major traffic impact”.
- b. Conditional Uses – All “major traffic impact” projects shall be considered to be “Conditional Uses” as defined herein, even if they are listed as Permitted or Special Exception Uses in Schedule 1 and all procedures applicable to Conditional Uses shall apply to zoning applications for such projects.

If any project is proposed after the date of adoption of this Ordinance which does not have a “major traffic impact” as defined herein, and a later or subsequent addition to that project is proposed within ten years of the initial project, then the cumulative effect of all separate submissions shall be used, regardless of any changes in ownership which may take place over the time period under consideration. This shall apply to major industrial and commercial uses, shopping centers, medical centers, apartment complexes, resorts, campgrounds, planned cluster residential developments or any other proposed under this Zoning Ordinance.

The Developer shall identify all subsequent phases of a project at the time of submission of the initial phase.

- c. Phased Projects – In the event that a project is to be phased over a period of time, not exceeding ten years, the total traffic impact for the entire period of phasing shall be used in determining the traffic impact.

d. Requirements for Projects Having a Major Traffic Impact – All projects which are determined to have a Major Traffic Impact shall comply with the following:

- Compliance with the site plan review procedures set forth in Section 5.800.

–All projects shall have direct access to an Arterial Road or to a Collector Road in the Municipality as identified in the Comprehensive Plan. In lieu of such access, the developer shall provide a project road from the project site to the closest existing Collector or Arterial Road, which is capable of handling the level of traffic to be generated and which is proposed for development by the developer to Collector or Major Road standards, as established by the Municipality.

e. Major Traffic Impact Study – A Major Traffic Impact Study shall include at least the following:

1. The applicant for all projects which have an estimated ADT exceeding 750 vehicles per day shall be required to submit a Traffic Impact

Study prepared by a competent authority. The requirements for such a study are set forth below.

2. Identification of all major roads and intersections serving and substantially impacted by the project.

3. An analysis of how the proposed project users or residents will use these major roads.

4. Existing traffic control conditions (without the proposed project) including traffic volume (ADT) and peak hour volumes on the identified major roads, based on PennDOT information., surveys and Trip Generation Rates, see Schedule III. (In addition, commercial projects shall provide weekend traffic volume data at peak hours.)

5. Projected traffic conditions (without the project) based on the trends in growth of traffic for ADT and peak hour volumes. (In addition commercial projects shall provide weekend traffic volume data at peak hours.)

6. Estimates of traffic volumes (ADT) weekday peak hour volumes and weekend peak hour volumes after development of all stages of the project.

7. Highway and intersection traffic capacities and levels of service for sections 3, 4 and 5 above, as defined by PennDOT must be calculated.
8. Identification of existing and projected traffic problems on roads serving the project or substantially impacted by the project, including highway capacity deficiencies for the various roads and intersections involved.
9. Solutions proposed by the developer to alleviate the identified problems and deficiencies and the proposed cost of these improvements.
10. Identification and analysis of high accident areas located in proximity to the project, as identified by the Township and the effect which the proposed project will have on the high accident areas and locations.
11. The “Competent Authority” responsible for preparing the Major Traffic Impact Study shall certify the following:
  - (a) That in the preparation of the Study that the applicable Comprehensive Plan and any pertinent Municipality or other traffic or transportation plan or study, as identified by the Municipality, has been considered in the preparation of the Major Impact Study.
  - (b) That in the professional opinion of the Competent Authority the completed Major Traffic Impact Study is a true and accurate Study which has given adequate consideration to available information and includes reasonable projections and analysis to the factors considered and that the Study represents the best opinion of the Competent Authority on the traffic impact of the proposed development.
  - (c) That, if it has not been possible to fully analyze all relevant factors, then those factors not analyzed shall be identified, together with the reasons for their exclusion from the Study.

The Major Traffic Impact Study shall be reviewed by the Planning Commission and the Supervisors in accordance with the Conditional Use procedures established herein. The Planning Commission and the Supervisors may request additional data or information to clarify the findings set forth in said Study. The Supervisors shall not approve any such Conditional Use if it determines that any traffic problem to be created by the proposed development cannot be adequately alleviated by the developer.

The applicant or developer, as determined by the Municipality, will be responsible for the guarantee of payment for the proportionate share of all traffic control devices or for the construction of public facilities applicable to the proposed development, which are required as a result of the traffic impact generated by the proposed development project

4.203 BUFFER ZONES – LANDSCAPING AND SCREENING REQUIREMENTS –

4.204 Yard Ground Cover – Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g. grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.

4.205 Landscaping Requirements – Landscape strips along the streets shall be measured from the street right-of-way line. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition. However, where sidewalks are proposed as part of landscape strips beyond the street right-of-way, these shall be permitted to bisect such strips and be included in the required strip width. In such cases, the noted eighty (80%) percent vegetation requirement shall not apply.

For each five hundred (500) square feet of required area for landscape strips, one (1) shade/ornamental tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.

4.206 Screening – The following materials may be used: evergreens (trees, hedges or shrubs), walls, fences, earth berms, or other approved similar materials. Fences and walls shall not be constructed of corrugated metal, corrugated, fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation; and,

4.207 Selection of Plant Materials – Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated,

vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

Any tree or shrub which dies shall be replaced so as to maintain ground cover and/or screening. All landscaping and screening treatments shall be properly maintained.

## ZONING DISTRICTS

### 4.300 R – Residential Districts

The following regulations shall apply in all R – Residential Zoning Districts.

### 4.301 Buildings or Uses

a. Single Principal Buildings or Single Principal Uses – A lot may be used only for one of the following principal buildings or principal uses:

1. Single Family House
  - a. ½ acre required if public water & sewer available
  - b. ¾ acre required if public sewer, but no public water available
  - c. ¾ acre required if public water, but no public sewer available
  - d. 1 acre required if no public facilities available
2. Church; public library; public museum; public school; nonprofit charitable or religious hospital, or municipal or public hospital, which does not primarily treat patients with contagious diseases, drug or liquor patients or insane patients.

– 3 Acre Minimum
3. Playground; municipal recreation park

- 3 Acre Minimum
4. Essential Services
5. Two family house – 1 Acre Minimum
6. Boarding House or Rooming House – 1 Acre Minimum
7. No-impact Home Based Business

b. Accessory Buildings and Accessory Uses – The following accessory buildings and accessory uses are permitted on a lot when customarily incidental to the principal building or principal use.

1. Off-street parking spaces
2. Private garage, carport
3. Storage shed, tool shed
4. Swimming pool, cabana, gazebo
5. Garden, garden house, greenhouse, tree or plant nursery
6. Any other accessory building or accessory use customarily incidental to the principal building or principal use.

c. Conditional Uses – A lot may be used for the following principal building or principal use:

1. Senior citizen center which primarily provides at least three (3) of the following activities, programs or services for the elderly:

- Counseling
- Education
- Health
- Nursing
- Nutrition
- Recreation
- Referral
- Religious
- Self development or Social Welfare activities, programs or services

when authorized as a conditional use by the Board of Supervisors, and under such appropriate safeguards and conditions attached by the Board of Supervisors, as it deems necessary. In determining whether a conditional use is to be granted or denied, the Board of Supervisors shall take into consideration whether such building or use will be appropriately located and designed in light of the surrounding uses in the neighborhood and the character of the neighborhood; will meet a community need without substantially adversely affecting the essential character of the neighborhood; and will be consistent with the surrounding uses in the neighborhood and the character of the neighborhood so as to conserve the objective value of maintaining existing local groupings of consistent land uses and yet encourage the most appropriate or effective use of the land.

- Minimum Lot Size – 3 Acres
- Setbacks – Front, 50'; Rear, 50'; Side, 15'-Combined 35'
- Parking Requirements – 1 for every 200 gross sq. ft.



2. A home occupation may be conducted in a house or in an accessory building, or a professional office or professional studio may be maintained in a house or in an accessory building, when authorized as a conditional use by the Board of Supervisors and under such appropriate safe guards and conditions attached by the Board of Supervisors as it deems necessary.
  3. All Private Sewer Systems must be constructed to meet the Granville Township Sewer & Water Dept. specifications, as enacted from time to time.
- d. Prohibited Uses – No garden produce and no greenhouse or nursery product shall be sold at retail; and no garden produce and no greenhouse or nursery product shall be permitted to be sold at wholesale unless
1. The sale is made from the lot, house or accessory building permitted on the lot where the produce or product was grown, and
  2. The sale is made during the season the produce or product was grown.

#### 4.302 Lot Area and Width for Principal Buildings or Principal Uses

- a. Single Family House – The lot area for a single family house shall be not less than the following:
- If public sewer and public water are available – ½ Acre
  - If public sewer, but no public water – ¾ Acre
  - If public water, but no public sewer – ¾ Acre
  - If no public facilities – 1 Acre
  - The lot width shall be a minimum of 80', lot depth a minimum of 108'; maximum height of 30', 2.5 stories; whichever is greater.
  - Setbacks – Front, 25'; Rear, 20'; Side, 10' – Combined 25'
  - Maximum Building Coverage Area – 70%
  - Parking Requirement – 2 per dwelling unit

#### 4.400 A/R – Agriculture/Residential

The following regulations shall apply in all A/R – Agriculture/Residential Zoning Districts.

#### 4.401 Buildings or Uses

- a. Single Principal Buildings or Single Principal Uses – A lot may be used only for one of the following principal buildings or principal uses, served by adequate sewage and water facilities:
  1. A principal building or use permitted in R – Residential District
  2. Convalescent home or nursing home which does not primarily treat patients with contagious diseases, drug or liquor patients or insane patients.
  3. Community Garage
  4. Private parking lot if the parking lot is used only for the parking of passenger motor vehicles owned or operated by the person owning or leasing the parking lot, his/her employees, boarders, house tenants, visitors and the like.
  5. Bed and Breakfast Homestead or Inns
  6. Home Occupations – Minimum lot size ½ Acre
  7. Limited Commercial – Family owned and operated business with less than ten (10) employees. The business must be operated completely within an enclosed building of less than 2,000 square feet of 70% of entire lot area inclusive of all buildings on the property. The property must be a minimum of five (5) acres.
  8. Apartment House, Multi Family House – must have adequate access to public sewer and public or private water facilities or private sewer, as a conditional use.
  9. Agriculture – Animals must be properly fenced at all times.
    - Less than one (1) Acre; none
    - 1- 2 Acres – 2 hooved; 25 fowl or 10 rodents
    - 2-5 Acres – 5 hooved; 50 fowl or 20 rodents
    - Over 5 Acres – No limitations
  11. No-impact Home Based Business

b. Accessory Buildings and Accessory Uses – The accessory buildings and the accessory uses permitted on a lot in an R – Residential Zoning District are permitted on a lot in an A/R Zoning District. However, no accessory use shall be permitted in connection with a private parking lot.

c. Conditional Uses –

1. A lot may be used for one of the following principal buildings or principal uses:

a. Private non-profit school – 5 Acre Minimum; Setbacks – Front, 50’; Rear 50’; Side, 25’, Combined 50’; Parking Requirement, one for every five classroom seats.

b. Nonprofit charitable or religious institution or municipal or public institution, for other than correctional or rehabilitative purposes or diagnostic, treatment or scientific testing purposes – 5 Acre Minimum; Setbacks – Front, 50’; Rear 50’; Side, 25’, Combined 50’; Parking Requirement, one for every 50 gross sq. ft. or 1 for every 3 seats or persons to be accommodated, whichever is greater.

c. Senior citizen center which primarily provides 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

when authorized as a conditional use by the Board of Supervisors, and under such appropriate safeguards and conditions attached by the Board of Supervisors as it deems necessary. In determining whether a conditional use is to be granted or denied, the Board of Supervisors shall take into consideration whether such building or use will be appropriately located and designed in light of the surrounding uses in the neighborhood and the character of the neighborhood; will meet a community need without substantially adversely affecting the essential character of the neighborhood; and will be consistent with the surrounding uses in the neighborhood and the character of the neighborhood so as to

conserve the objective value of maintaining existing local groupings of consistent uses and yet encourage the most appropriate or effective use of land.

- Minimum Lot Size – 3 Acres
- Setbacks – Front, 50'; Rear, 50'; Side, 15'-Combined 35'
- Parking Requirements – 1 for every 200 gross sq. ft.

- d. Quarry
- e. All Private Sewer Systems must be constructed to meet the Granville Township Sewer & Water Dept. specifications, as enacted from time to time.
- f. Prohibited Uses – The uses prohibited in R are prohibited in A/R Zoning Districts.

#### 4.402 Lot Area and Lot Width for Principal Buildings or Principal Uses

- a. Single Family House; Two Family House; Boarding House or Rooming House; Convalescent Home or Nursing Home; Funeral Home –
  - 1. Single Family – Two Family House
    - If public sewer and public water – ½ Acre
    - If public sewer, but no public water – ¾ Acre
    - If public water, but no public sewer – ¾ Acre
    - If no public facilities – 2 Acres
    - The lot width shall be a minimum of 80', lot depth a minimum of 108'; maximum height 30', 2.5 stories, whichever is greater for residential purposes; minimum width of 125', lot depth minimum 200'; maximum height 50', 4.5 stories, whichever is greater for agricultural purposes.
- b. Row House; Apartment House; Multi Family House – A lot area of not less than two acres shall be provided for every building erected or used as a row house, apartment house or multi family house. The lot width at the building line shall not be less than 125 feet in width.

4.403 Height Limits for Buildings –

- a. Single Family House; Two Family House; Row House; Boarding House or Rooming House; Convalescent Home or Nursing Home; Funeral Home; Apartment House; Multi Family House – The height of any of the foregoing buildings shall not exceed 60 feet; 5 stories.
- b. Community Garage – The height of a community garage shall not exceed 60 feet.
- c. Other Principal Buildings – The height of a principal building other than a principal building referred to in (a) or (b) shall not exceed 36 feet; 3 stories.
- d. Accessory Buildings – The height of an accessory building shall not exceed the height of 30 feet; 2.5 stories.
- e. Building Area – The building area on a lot shall not exceed 70% of the lot area.
- f. Buffer Zone(s) – Where a proposed agricultural use abuts an existing residential use, all animals must be confined 150 feet from the residential use.

4.404 Front, Side and Rear Yards for Principal Buildings –

- a. Front Yard - There shall be a front yard the depth of which shall not be less than 40 feet.
- b. Side Yard –
  1. A single family house shall have two side yard, one on each side of the house, neither of which shall be less than 10'; combined 25'.
  2. A two family house, boarding or rooming house, convalescent home or nursing home, funeral home, apartment house or multi family house shall have two side yards, one on each side of the house, neither of which shall be less than 15'; combined 40'.
  3. A community garage shall have two side yards, one on each side of the garage, neither of which shall be less than 15'.
  4. A principal building other than one referred to above shall have two side yards, one on each side of the principal building, neither of which shall be less than 15' wide. If the height of the building is over 30', the width of each side yard shall be increased 1 foot for each 5 feet, or fraction thereof, by which the building exceeds 30 feet in height.

5. In the case of a corner lot at the intersection of two streets, the width of the side yard on the street side shall not be less than 15 feet.
- c. Rear Yard – There shall be a rear yard depth of which shall not be less than 20 feet.
- d. Private Parking Lot – A private parking lot shall have two side yard, one on each side of the lot, neither of which shall be less than 10 feet wide, and shall have a rear yard depth of which shall not be less than 20 feet. No parking shall be permitted within 5 feet of the side lines of the lot, within 5 feet of the rear line of the lot or within 10 feet of the street line or, if the parking lot is on a reverse lot, within 10 feet of the lot line fronting the alley.

#### 4.405 Off Street Parking –

- a. Spaces Required – Off street parking spaces for passenger motor vehicles shall be provided in the following amounts for the following principal buildings or principal uses:
  1. For a single family house, two off street parking spaces shall be provided.
  2. For a church or public library or public museum, off street parking spaces shall be provided at the rate of: one parking space for every 3 seats or 50 gross square feet, whichever is greater.
  3. For a public school, off street parking spaces shall be provided at the rate of: one for every five students.
  4. For a charitable, religious or public hospital, off street parking spaces shall be provided at the rate of: one parking space for each 1.5 patient beds.
  5. For a playground or a municipal recreation park, or for an electric substation or telephone exchange, off street parking spaces shall be provided at the rate of: one for every three of total capacity.
  6. For a two family house, apartment house or multi family house, off street parking shall be provided at the rate of: two parking spaces for each dwelling unit.
  7. For a boarding house or rooming house, off street parking spaces shall be provided at the rate of: one parking space for each rooming unit and one parking space for the owner or operator if residing on the premises.

8. For a convalescent home or nursing home, off street parking spaces shall be provided at the rate of: one parking space for each three patient beds.
  9. For a funeral home, off street parking spaces shall be provided at the rate of: one for every four chapel seats plus 1 for every 2 employees, plus one for every sq. ft. of aggregate floor area in viewing rooms or parlors.
  10. For a private, nonprofit school, off street parking spaces shall be provided at the rate of: one parking space for every five classroom seats.
  11. For a nonprofit charitable or religious institution, or a municipal or public institution, off street parking spaces shall be provided at the rate of: one for every 200 gross sq. ft.
  12. Limited Commercial – As per PennDOT Publication according the intended limited commercial use.
- b. Location of Off Street Parking Spaces – The off street parking spaces required by paragraph “a” shall be provided on the same lot with the principal building or principal use and may be provided by a private garage on the lot.
1. Exception – If in the opinion of the Zoning Officer and the Road Foreman the physical circumstances or condition of the lot (such as the topography, slope or drainage of the lot or the irregularity, narrowness or shallowness of the lot in size or shape) preclude the safe design, construction, maintenance of off street parking spaces, maneuvering areas or means of access, or make the same impractical, the requirement that all the off street parking spaces are to be provided on the same lot with the principal building or principal use may be modified or waived by the Zoning Officer to the extent that It can be shown (upon such evidence as the Zoning Officer deems sufficient) that off street parking spaces can be provided:
    - a. On a private parking lot owned by the owner or operator of the principal building or use, or on a private parking lot leased by such owner or operator for a period of not less than ten years, and a substantial portion of which is within 450 feet, by the most direct walking route, of the lot line of the lot containing the principal building or principal use;

- b. On a free municipal parking lot, a substantial portion of which is within 450 feet, by the most direct walking route, of the lot line of the lot containing the principal building or the principal use; or
- c. In the case of a single family house, two family house boarding or rooming house or multi family house, at a community garage a substantial portion of which is within 450 feet, by the most direct walking route, of the lot line of the lot containing the principal building or the principal use.

4.500 C – Commercial District – In C – Commercial Districts the regulations which follow in this Article shall apply in addition to those found in the Township’s Subdivision and Land Development Ordinance.

a. Buildings or Uses -

Single Principal Buildings or Single Principal Uses – Except as provided in paragraph C of this Section 2, a lot may be used for one of the following principal buildings or principal uses and no other:

- 1. A principal building or a principal use permitted in R and A/R, but no permission by special exception for the building or use shall be required.
- 2. A hospital, convalescent home or nursing home or a nonprofit or municipal or public institution.
- 3. Private club or private lodge if fifty or more members or guests are assembled at any one time and the premises are open to members or guests during the customary daytime business hours prevailing in the zoning district.
- 4. Hotel
- 5. Trailer Court or house trailer or Mobile Home Park.
- 6. Tourist cabin court or automobile court or motel.
- 7. Trailer Camp
- 8. Automotive services for one or more of the following: public garage, private parking lot with no qualifying limitations, public parking lot, service station, repair garage, car wash, automobile sales room, automobile sales lot.



9. Protective services for one or more of the following: fire house, police station
10. Cat or dog boarding kennel or small animal hospital, provided that any resulting noise or odors are effectively confined to the premises.
11. Service echelon establishment for one or more of the uses within but one class of the following classes:

Class A – dry cleaning plant, dyeing plant, laundry plant

Class B – newspaper, printing plant, job printing plant

Class C – brewery, creamery, bottling plant

Class D – storage building, warehouse or storage yard for one of the principal uses under paragraph “b”, but not including a storage building, warehouse or storage yard which is on the same lot with the principal building or use and which is permitted as an accessory building or accessory use provided that; work is done at the establishment only during the customary daytime business hours prevailing in the zoning district and with respect to each establishment any resulting dust, fumes, odors, noise, smoke, vapor or vibration is effectively confined to the premises.

- b. Multiple Principal Uses – A building may be used and a lot may be used for one or more of the following principal uses without distinction among classes or among uses within a class:
  1. Funeral Home
  2. Retail business - stores or shops for sale at retail of food and beverages of all kinds; dry goods and apparel of all kinds; furniture and household fixtures, goods and appliances of all kinds; automotive accessories; hardware, paint, wallpaper and other like materials and objects for decorating and maintenance or repair; books, magazines, newspapers, cosmetics, drugs, flowers, gifts, jewelry, music or stationary; photographic goods; sporting goods; the preparation and cooking and the sale of baked goods, confections, dairy foods or delicatessen foods; and stores or shops for the sale at retail of articles or products substantially similar to the foregoing.
  3. Eating place - of any type and such as a delicatessen, cafeteria, dining room, lunch room, restaurant or tea room, including a place providing dancing or entertainment or a place for the consumption of soft or hard beverages, excluding all “Adult Oriented Uses or Activities” as defined herein.
  4. Service establishment - barber or beauty shop; tailor or dressmaking shop, laundry agency or dry cleaning agency; self service laundry;

cleaning or pressing shop or hand laundry in which only non-explosive and non-flammable solvents are used; cobbler shop; household appliance repair shop or radio or television repair shop; radio or television station; “essential services” station; small animal pet shop provided that such noise or odors are effectively confined to the shop.

5. Service echelon establishment of the following types:
  - a. carpentry shop, cabinet making shop, upholstery shop
  - b. machine shop; metal working shop; tin working shop; pipefitting shop; plumbing shop
  - c. printing shop
6. Business office and business service - of any type and such as the offices of a bank or other financial institution, a real estate or insurance office, the business offices of a public utility company, the business offices of a retail, wholesale, shopping or distributing establishment.
7. Professional office or studio.
8. Transportation Service – railroad passenger station or bus passenger station.
9. Amusement place – bowling alley, dance hall, pool hall, theatre, skating rink, and the like; provided that any resulting noise is effectively confined to the amusement place.
10. Retail or wholesale greenhouse or nursery.
11. School of any type
12. Public parking lot or private parking lot with no qualifying limitations.
13. Other uses:
  - a. Chapel for worship, branch or reading room of a public library, or a private club or private lodge.
  - b. Any other business, service or use substantially similar to the businesses, services or uses referred to in this paragraph “b” in type of services provided or goods sold, in business hours, and in the number of persons to be attracted to the premises and the duration of their stay upon the premises.

c. Mixed Occupancy Dwelling as Single Principal Building – A lot may be used for one mixed occupancy dwelling provided that:

1. The commercial uses on the lower stories of the building are only those uses permitted under paragraph “b” of this Section 2;
2. No dwelling units or boarding or rooming units are maintained in a detached building on the same lot to the rear or side of the building which is the mixed occupancy dwelling; and
3. No detached building is located on the same lot to the front of the building which is the mixed occupancy dwelling.

d. Accessory Buildings and Accessory Uses – The accessory buildings and accessory uses permitted on a lot shall be those customarily incidental to the principal building or the principal use.

4.501 Lot Area for Principal Buildings or Principal Uses –

- a. Commercial Uses –  
No public facilities – 1 Acre  
Public Sewer Only –  $\frac{3}{4}$  Acre  
Public Water Only –  $\frac{3}{4}$  Acre  
Both Public Facilities –  $\frac{1}{2}$  Acre  
Minimum Lot Width; 125’; Depth 200’
- b. Houses, Hotels or Tourist Homes – The lot area for a single family house, two family house, row house, apartment house, multi family house or mixed occupancy dwelling shall not be less than two acres; minimum lot width, 125’; lot depth, 200’.
- c. Trailer Court or House Trailer or Mobile Home Park – The lot area for a trailer court or a house trailer or mobile home park shall be at least 10 acres and as further regulated by the Granville Township Subdivision & Land Development Ordinance.
- d. Other Principal Buildings or Principal Uses – The same minimum lot area as prescribed above.

4.502 Height Limits for Buildings

- a. Community Garage, Automotive Service, Protective Service, Service Echelon Establishment, Institutions or Storage Buildings – The height of a community garage, a building for automotive service, a building for protective service, a building for any service echelon establishment or a nonprofit or municipal or

public institution for correctional or rehabilitative purposes or for scientific testing shall not exceed 36 feet.

- b. Other Principal Buildings – The height of a principal building other than a principal building referred to in paragraph “a” shall not exceed 150 feet.
- c. Accessory Buildings – The height of an accessory building shall not exceed the height of the principal building or 30 feet, whichever is less.

4.503 Building Area – The building area on a lot used for a building or use shall not exceed 70 % of the lot area.

4.504 Front, Side and Rear Yards for Principal Buildings

- a. Front Yard – All uses shall have a front yard, the depth of which shall not be less than 35 feet.
- b. Side Yards – All uses shall have side yards, the depth of which shall not be less than 10 feet wide, 25’ combined.
- c. Rear Yard – All uses shall have a rear yard, the depth of which shall not be less than 35 feet.

4.505 Off Street Parking -

- a. Spaces Required – Off street parking spaces for passenger motor vehicles shall be provided in the following amounts for the following principal buildings or principal uses referred to in C – Commercial District:
  - 1. For a principal building or a principal use permitted in R – Residential or A/R – Agriculture/Residential Zoning Districts, off street parking spaces shall be provided are required by 4.405.
  - 2. For a private club or lodge, off street parking spaces shall be provided at the rate of: one parking space for each 200 square feet of floor spaces used for dining rooms, game rooms, lounges and meeting or assembly rooms.
  - 3. For a hotel, tourist home, tourist cabin court, automobile court or motel, off street parking spaces shall be provided at the rate of: four for every three sleeping rooms.
  - 4. For a trailer camp, two off street parking spaces shall be provided for each trailer space.

5. For a trailer court or house trailer or mobile home park, two off street parking spaces shall be provided for each house trailer or mobile home lot.
6. For a public garage, service station, repair garage or automobile sales room, one off street parking space shall be provided for every 100 gross square feet.
7. For a service echelon establishment, one off street parking space shall be provided for every 200 gross square feet.
8. For a cat or dog boarding kennel or animal hospital, off street parking spaces shall be provided at the rate of: three for every doctor, plus one for every other two employees.
9. For a mixed occupancy dwelling, the off street parking spaces required shall be the spaces required for that use in this paragraph “a” which the use of the upper stories of the mixed occupancy dwelling most nearly resembles.

b. Location of Off Street Parking Spaces – The off street parking spaces required by paragraph “a” shall be provided:

1. On the same lot with the principal building or principal use and may be provided by a private garage or other like accessory building on the lot; or
2. On a private parking lot in a C – Commercial District or in an I – Industrial/Manufacturing District and owned by the owner or operator of the principal building or use, or on a private parking lot in C – Commercial District or in an I – Industrial/Manufacturing District and leased by such owner or operator for a period of not less than 10 years, and a substantial portion of which private parking is within 800 feet, by the most direct walking route, of the lot line of the lot containing the principal building or the principal use; or

In the case of a single family house, two family house, boarding or rooming house, row house, apartment house, multi family house, or in the case of a mixed occupancy dwelling which resembles one of the foregoing,

at a community garage a substantial portion of which is within 800 feet, by the most direct walking route, of the lot line of the lot containing the principal building or the principal use.

4.600 I – Industrial/Manufacturing/Agricultural Transition – In I – Industrial/Manufacturing Districts the regulations which follow in this Article shall apply, in addition to the Township’s Subdivision and Land Development Ordinance.

a. Buildings or Uses

Single Principal Buildings or Principal Uses – A lot may be used for one of the following principal buildings or uses and no other:

1. The manufacture, fabrication, processing, assembly, repair, testing, packing and storage of all types of products made from previously prepared materials and also the processing of raw materials.
2. Research facilities, laboratories and research centers of all types.
3. Wholesale business, storage and warehousing establishments, truck and freight terminals and delivery and distribution centers.
4. Wholesale produce and meat markets, mechanical and equipment repair establishments, greenhouse facilities, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries and sign painting, printing and engraving.
5. Offices related to any permitted use.
6. Solid waste disposal facilities which are limited to transfer stations and/or recycling facilities, compost areas and other related facilities, which conform, to applicable Solid Waste Management Plan approved by the Township. \*
7. Junkyards, salvage and other recycling facilities, as defined herein.\*

\*All such facilities shall be designed to protect adjacent property owners and adjoining streets from adverse or objectionable influences and shall be subject to the provisions of adequate buffers and “screening requirements”, as further defined herein.

All such facilities shall be further subject to all required approvals from applicable regulatory agencies, including, but not limited to, Pa DEP and the County Conservation District.

8. Essential Services
9. Adult Oriented Uses

- b. Accessory Buildings and Accessory Uses – The accessory buildings and accessory uses permitted on a lot shall be those customarily incidental to the principal building(s) or principal use(s).
- 4.601 Lot Area for Principal Buildings or Principal Uses – The minimum lot area for any use within I – Industrial/Manufacturing District is one acre, minimum lot width, 125’; depth 200’.
- 4.602 Other Principal Buildings or Principal Uses – All other principal buildings or uses must meet the minimum requirements set forth in 4.601 – Lot Area for Principal Buildings or Principal Uses.
- 4.603 Height Limits for Buildings – The height of a principal building or accessory building shall not exceed 150 feet.
- 4.604 Building Area – The building area on a lot in I – Industrial/Manufacturing District shall not exceed 70% of the lot area.
- 4.605 Front, Side and Rear Yards for Buildings –
- a. Front Yard – The front yard requirement established for buildings is a minimum of 40 feet.
  - b. Side Yards – The side yard requirement established for buildings is a minimum of 15 feet.
  - c. Rear Yard – The rear yard requirement established for buildings is a minimum of 50 feet.
- 4.606 Off Street Parking –
- a. Spaces Required – Off street parking spaces for passenger and commercial motor vehicles shall be provided in the following amounts for the principal buildings and uses:
    - 1. For all uses off street parking spaces shall be provided as per Schedule V.
- 4.607 Location of Off Street Parking Spaces – The off street parking spaces required by Schedule V shall be provided:
- 1. On the same lot with the principal building or principal use and may be provided by a private garage or other like accessory building on the lot; or

2. On a private parking lot in a C – Commercial District or I – Industrial/Manufacturing District and owned by the owner or operator of the principal building or use, or on a private parking lot in a C – Commercial District or in an I – Industrial/Manufacturing District and leased by such owner or operator for a period of not less than 10 years, and a substantial portion of which private parking lot is within 800 feet, by the most direct walking route of the lot line of the lot containing the principal building or the principal use; or
3. In the case of a single family house, two family house, boarding or rooming house, apartment house, multi family house or a mixed occupancy dwelling which resembles one of the foregoing, at a community garage a substantial portion of which is within 800 feet, by the most direct walking route, of the lot line of the lot containing the principal building or principal use.

4.608 Off Street Loading –

- a. Spaces Required – Every commercial, industrial, resort or other building which requires the receipt or distribution by vehicles or materials or merchandise shall provide one off street loading space for each 10,000 square feet of gross building ground floor area or part thereof, and each space shall be at least 400 square feet in area.
- b. Location of Off Street Loading Spaces – The off street loading and unloading spaces shall be provided on the same lot with the principal building or principal use.
- c. Posting – Each off street loading and unloading space shall be posted with the sign “Loading Area”. A loading space shall not be used for off street parking or storage.



## ARTICLE 5 – SUPPLEMENTARY REGULATIONS

### 5.100 PERMITTED VARIATIONS FROM REQUIRED AREAS -

The minimum lot, yard and height requirements of Article 4 shall prevail in all cases, except as follows:

#### 5.101 Existing Nonconforming Lots –

In any district where a vacant nonconforming lot exists then a structure not exceeding two stories in height may be constructed on it and the front, side and rear yards may be reduced to one-third (1/3) of the district requirement. Prior to development of any such nonconforming lot which is not served with private or public water or sewer facilities, the owner shall provide an adequate on-lot or alternate facility which complies with the Department of Environmental Protection (DEP) and Township regulations.

#### 5.102 Permitted Decrease of Front Yard –

Where in any residential district more than 50% of the residential frontage of any block has been improved as of the effective date of this Ordinance, with buildings having front yards of a depth less than that required in that particular district, the depth of a front yard for a proposed building in that block may be decreased to a depth not less than the average of the front yard depth of the existing buildings in the block.

#### 5.103 Yard & Open Space Encroachments by Buildings, Structures & Other Features –

Every part of a required front yard, side yard and rear yard from their lowest points upward, and every part of a required open space from its lowest point upward, shall be open and unobstructed by any building or structure or part thereof, except as follows:

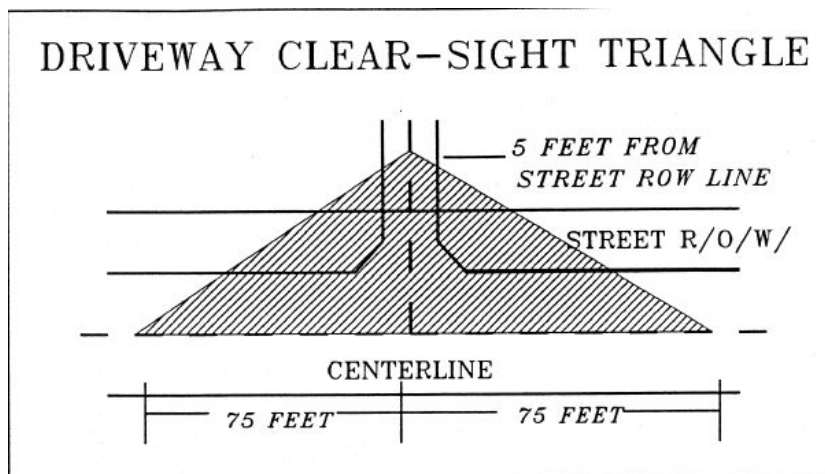
1. Cornices, eaves, gutters, chimneys and flues may project not more than 18 inches over or into any required yard or required open space.
2. Bay windows which do not extend through more than one story and do not obstruct pedestrian passage to or through any yard or open space, or from one yard or open space to another, may project not more than five feet over or into any required yard or required open space.

3. Open steps from exit doorways to the outdoors which do not obstruct pedestrian passage to or through any yard or open space, or from one yard or open space to another, may project not more than 10 feet into any required yard or required open space.
4. Open porches, balconies, decks or terraces which do not extend through more than one story and are located at ground level, and which do not obstruct pedestrian passage to or through any yard or open space or from one yard or open space to another, may project not more than 10 feet into any required yard or required open space.
5. In a residential district, an accessory building may be located in one side yard if the maximum building area will not thereby be exceeded and if the accessory building is completely detached from the principal building and is located at least 10 feet back of the rear line of the principal building projected to the side lines of the lot. However, in the case of a side yard along a street, no accessory building shall be located in that side yard. In the case of a side yard along an alley, an accessory building may be located in that side yard, but the accessory building shall be located at least five feet from the side line of the lot.
6. In a residential district, an accessory building may be located in a rear yard if the maximum building area will not thereby be exceeded and if the accessory building is completely detached from the principal building and is located at least 10 feet back of the rear line of the principal building projected to the side lines of the lot. In the case of a rear yard along an alley, the accessory building shall be located at least five feet from the rear line of the lot.
7. Walks, steps for negotiating ground slopes, retaining walls, fences, walls for privacy or screening, paved terraces or patios, structures used for gardening, ornamental or recreational purposes, hedgerows, shrubs, trees and plantings, vehicle access drives and vehicle maneuvering areas, and other like structures, services or features which are customarily incidental to the principal building or principal use are permitted in yards and open spaces, except that:
  - a. No fence or wall (other than a retaining wall) shall be more than six feet in height above the ground level.
  - b. No sign, fence, wall (other than a retaining wall), hedgerow or other closely erected structure or closely grown planting, more than three feet in height shall be located within the direct access or open space.

- c. On a corner lot in a residential district and at the intersection of two streets, no sign, fence, wall, hedgerow or other structure, planting or feature more than three feet in height shall be located within the triangular area on the lot formed by the

intersecting street lines and a straight line drawn between the street lines at points which are six feet distant from the point of intersection, measured along the street lines.

- d. Access drives shall be located so as to provide adequate sight distances at intersections with streets.



5.104 Yard & Open Space Encroachments by Off Street Parking Spaces –

1. Residential Districts – In residential districts, no off street parking space shall be located within five feet of the street line and only the minimum number of off street parking spaces which are required by this ordinance for a particular building or use, plus one additional space may be located in the front yard. No off street parking space shall be located within five feet of the side lines of the lot, or within five feet of the rear line of the lot. No off street parking space shall be located within the direct access, open space required. No off street parking space shall be located so as to obstruct pedestrian passage from the exit doorways to the outdoors or pedestrian passage to or through any yard or open space, or from one yard or open space to another.
2. Commercial Districts and Industrial/Manufacturing Districts – In commercial districts and in industrial/manufacturing districts, no off street parking space shall be located within five feet of the street line. Any number of off street parking spaces may be located in the front yard. However, no off street parking space shall be located within the direct access, open space required. No off street parking space shall be located so as to obstruct pedestrian passage

from exit doorways to the outdoors or pedestrian passage to or through any yard or open space, or from one yard or open space to another.

3. – In commercial districts and in industrial/manufacturing districts, no off street parking space shall be located within five feet of the street line. Any number of off street parking spaces may be located in the front yard. However, no off street parking space shall be located within the direct access, open space required. No off street parking space shall be located so as to obstruct pedestrian passage from exit doorways to the outdoors or pedestrian passage to or through any yard or open space, or from one yard or open space to another.

5.105 Off Street Parking Space and Off Street Loading Spaces: Design Standards and Change in Requirements –

1. Design Standards – Each off street parking space shall be not less than 8 feet in width and 18 feet in length. Each off street loading and unloading space shall not be less than 14 feet in width and 55 feet in length and 12 feet in height. All off street parking spaces and all off street loading and unloading spaces shall be designed with appropriate means of vehicular access to a street or alley and with adequate maneuvering areas. Each space and each stone or concrete surface shall be excavated or graded so as to provide proper drainage from surface water away from adjoining property; and shall have such guards or other barriers as the Road Foreman or Township Engineer in his/her opinion may determine necessary to protect persons or property. No curb cut or driveway opening shall be made unless the cut or opening is approved in accordance with other applicable ordinances. If lighting is provided, it shall be arranged so that there will be no unreasonably annoying glare to the occupants of adjacent property.
2. Change in Requirements – If there is a change
  - a. in the use of a building or lot,
  - b. in the number of dwelling units, boarding or rooming units, employees, members, guests or visitors or other unit of measurement on the basis of which the off street parking spaces or off street loading or unloading spaces required by the ordinance were determined, or
  - c. in the parking – generating factors taken into account by the Zoning Officer if the number of off street parking spaces was left to his/her decision,

and if such change creates a need for an increase of more than 15% in the number of off street parking spaces required by this ordinance or more than 15% in the number of off street loading or unloading spaces required

by this ordinance, the additional off street parking spaces or the additional off street loading and unloading shall be provided at the time of development, and if any structure is increased more than 50% a land development plan must be submitted and approved.

5.200 Signs -

5.201 Scope & Applicability-

- a. Signs may be erected, altered, maintained, used, removed or moved only in compliance with the provisions of this Section and with any other applicable Township regulations.
- b. A zoning permit shall be required prior to the erection or alteration of any such sign, except that changes in the copy of any sign or official governmental signs shall not require such a permit.
- c. Any existing signs which do not conform with the provisions of this Section shall not be altered or enlarged unless approved by Special Exception.

5.202 General Sign Regulations –

- a. No sign shall be erected which states that a property may be used for any purpose not permitted by this Zoning Ordinance.
- b. Signs referring to a use or product no longer in existence or available shall be removed within six months after cessation of the original use.
- c. No sign shall be located or used in a manner that interferes with traffic on a street by causing glare, an obstruction to vision or by causing confusion with traffic control devices.
- d. Illuminated signs adjoining or visible from nearby residential area shall be shielded to protect adverse effects or nuisances upon nearby dwellings.
- e. No part of any sign, except an official government sign, shall be located within the official right-of-way of any street or alley, unless specifically permitted by the Board of Supervisors and/or the Department of Transportation.
- f. Every sign shall be constructed of durable materials and shall be kept in good condition and repair.
- g. Flashing and moving signs shall not be permitted in any zoning district.

5.203 Location, Height & Projection of Signs –

- a. Location of Signs – Unless otherwise provided for herein, all signs may be located in any required yard area and may be free standing or attached to a building or other permanent feature on the site, excluding fences located closer than five feet to any side yard property lines.
- b. Height Limitations – Signs shall not exceed the following height limitations:
  1. Signs accessory to uses located in R and A/R Zoning Districts shall not exceed ten feet in height.
  2. Signs accessory to uses located in C or I Zoning Districts shall not exceed 35 feet in height.
  3. No sign shall be attached to a building in a manner which allows it to exceed the roof height of a building.
- c. Projection of Signs –
  1. No sign erected or replaced after the effective date of this Ordinance shall project more than one foot over a public sidewalk or street right-of-way, unless specifically approved by the Supervisors.
  2. Signs which project over private areas shall conform with other applicable Township requirements and shall be approved by the Supervisors, but in all cases be at least ten feet above the level of any area used for pedestrian or vehicular traffic.
  3. Signs attached parallel to the building which project more than 12 inches from the face of the building shall be at least eight feet above the ground level.
  4. The owners of all signs and awnings which project over any public right-of-way shall provide insurance in an amount specified by the Township sufficient to hold the Township harmless in the event of any damage to life or property caused by such a sign in the public right-of-way.

5.204 Types of Signs Permitted in Zoning Districts –

The size and type of signs permitted in the various zoning districts are set forth below:

- a. The following signs are permitted in the R and A/R Zoning Districts:

1. A simple Name Plate Sign containing the name, address, professional or home occupation activity of the occupant of the premises is permitted. Such sign shall not be illuminated or be constructed of highly reflective materials and shall not exceed one square foot in area. Such signs shall be attached to the building to which they pertain.
  2. A single Identification Sign or Bulletin Board, not exceeding 12 square feet in area is permitted, in connection with any church, school, college, hospital, institution, park, playground or other similar public or semi-public use. Such signs may be attached to the building to which they pertain and shall not be located within five feet of all lot lines if they are free standing.
  3. A single Identification Sign attached to the building to which it pertains and not exceeding 10 square feet in area is permitted for any legally existing nonconforming use.
  4. Any Business or Identification Sign applicable to an approved Special Exception or Conditional Use, not exceeding 20 square feet in area which is specifically approved by the Board of Supervisors.
  5. In the A/R District signs required for the conduct of agricultural activities or related uses, including Business Identification Signs for home based businesses shall be permitted. Such signs shall not exceed 20 square feet and shall be limited to only one sign for each home based business.
- b. The following signs are permitted in the C and I Zoning Districts:
1. Business or Identification Signs are permitted which direct attention to a business, profession, product, service, activity, use or entertainment sold or offered on the premises where such a sign is located. The total area of such a sign(s) shall not exceed ten percent of the surface of the building façade, or of the wall area which the sign is mounted or to which the sign pertains, except as provided in Section 5.204 below.
  2. A single Identification Sign or Bulletin Board, not exceeding 24 square feet in area is permitted in connection with any church, school, college, hospital, institution, park, playground or other similar public or semi-public use.
  3. A single Identification Sign, not exceeding 24 square feet in area permitted for any legally existing nonconforming use.

4. Advertising Signs and Billboards which direct attention to a business product, service, activity, use or entertainment not conducted, sold or offered upon the premises where such a sign is located. Advertising signs shall not be closer to each other than 100 feet.
- c. Maximum Size of Signs in C and I Zoning Districts – The total square foot area of all signs located on any single parcel under the provisions of Section 5.204 above shall not exceed two square feet for every lineal foot of lot width having frontage on a public street, provided that on corner lots only the longest dimension may be used.
- d. Sign Plaza – A “Sign Plaza” may be created by a group of commercial and/or industrial establishments for the purpose of providing an attractive landscaped area where various signs may be grouped together for the benefit and convenience of the public and to provide an integrated directory of information about these establishments. The total square foot area of all signs for these establishments, including those to be located in the Sign Plaza shall not exceed the maximum combined size of signs for all participating businesses as established in Section c above.

#### 5.205 Design of Signs

Wherever possible the applicant for any sign shall consider the following design principles for the purpose of establishing a coherent and attractive visual appearance for the area in which the sign is located.

- a. The height, size and general appearance of signs shall be consistent in appearance and shall be uniform, height and layout and harmonious with other adjoining signs located within 300 feet of the parcel.
- b. Signs shall be visible from the street to both pedestrians and vehicular passenger(s).
- c. Signs shall not be designed to block the visibility of other adjoining signs and wherever possible shall be attached flat or parallel to the building to which they pertain and shall not project out more than 12 inches from the face of the building.
- d. Free-standing signs shall be setback from the property lines and shall be consistent and harmonious with the size of the structure to which they pertain and shall not detract from the visibility or appearance of any adjoining structures.
- e. Advertising signs and billboards shall not dominate the view of the structures located within 500 feet of such signs.



5.206 Prohibited Signs – The following signs are prohibited in all districts:

- a. Signs which in any way simulate official government signs that are not directly concerned with the protection of public health and safety.
- b. Banners, spinners, flags, pennants or any moving objects used for commercial advertising purposes whether containing a message or not may be permitted only for temporary time period not exceeding 60 days, except that they are completely prohibited in the R Zoning District.
- c. Flashing, blinking, twinkling signs not including signs that alternately display the time and temperature.

5.207 Temporary Signs –

Temporary signs not exceeding six square feet for the sale or rental of individual properties, and not exceeding 24 square feet for identifying residential developments, developers, contractors and/or realtors are permitted in all districts while property is under construction or offered for sale or rental. Such signs shall be removed within ten days of the date of the final sale or rental of the property.

5.300 TEMPORARY USES

5.301 Special Events or Activities – Any applicant may submit a Zoning Application for the purpose of requesting permission to undertake or conduct a special event, activity or use (hereinafter referred to as a “Temporary Use”) that shall be temporary in nature. Such a Temporary Use shall exist for a period of time not to exceed one year. Said application shall be submitted and reviewed and approved by the Township Zoning Officer and the Temporary Use shall be clearly related to the requirements for Permitted Uses set for in this Ordinance.

Such application shall clearly set forth the following:

- a. The exact purpose, nature and location of the proposed Temporary Use, including all private and public lands and right-of-way(s) involved.
- b. The relationship of the Temporary Use to other uses permitted in the Zoning District.
- c. The number of employees, spectators, participants or other persons or agencies, equipment or other paraphernalia to be involved or used in such Temporary Use.

- d. Evidence that the Township will be held harmless for any unforeseen adverse consequences resulting from such Temporary Use and evidence of the availability of sufficient insurance coverage.
- e. The length of time for which the Temporary Use permit is requested.
- f. Any special requirements, hardships, conditions to be imposed on the Township, or its residents or to other uses which may be affected by the Temporary Use.

5.302 Excavation and Fill Material

- a. Operations Subject to State Regulation- All quarry or other non-coal mining operations are considered Conditional Uses under this Ordinance. Such Uses which are subject to State law, or to the regulations of PA DEP shall require necessary permit(s) from the appropriate State Agency. Particular reference is made to the Commonwealth of Pennsylvania “Non-Coal Surface mining Conservation and Reclamation Act

1984-219:m as it may be amended and to other requirements relating to the operation of sanitary landfill areas and to the preservation of water quality in the Commonwealth as administered by the PA Dept. of Environmental Protection.

All excavations or placement of fill in “wetland” areas shall be subject to the requirements of the PA DEP and the Army Corps or Engineers.

Such operations may take place in the Township only in those areas where permitted by this Ordinance and all State and Federal Regulations.

All applications for such operations shall submit a copy of any request for a State Permit to the Zoning Officer, together with any plans required by the State for the reclamation operation of such areas. The Zoning Officer shall also require a Zoning Permit application form be submitted plus any other information required to properly evaluate the application. Approval of any Zoning Permit for an operation that is permitted in the Township shall be conditioned upon the receipt by the operator of any permit required by the State.

The Township may present information to or request a public hearing of PA DEP to be held on such applications for a permit which are submitted to the State.

## SITE PLAN REVIEW

- 5.401 Purpose and Procedure – Site Plan Review and the submission of a Site Plan is required herein for all Special Exception and Conditional Uses, or for any other use requiring such review in accordance with the requirements of Article 4 or other provisions of this Ordinance. The following Site Plan Procedure shall be followed to ensure the safe and efficient movement of traffic, adequate drainage and connection to utilities, compliance with other applicable regulations and to promote the development of an attractive and well planned Township, to enhance sound site planning and to best serve the interests of public health, safety and general welfare and with the objectives of this Ordinance.
- 5.402 Optional Site Plan Review Procedures – In lieu of submittal of all of the site plan requirements itemized below, the applicant may elect to submit a preliminary sketch site plan, containing lesser information, for unofficial review by the Planning Commission. Such sketch site plan shall be for the purpose of indicating to the Planning Commission the general nature and intent of the proposal which will enable the Commission to present its initial considerations for the purpose of guiding the developer in the preparation of the official Site Plan, in accordance with these Zoning requirements.

The entire purpose of this optional procedure is to facilitate the proper development of the Site Plan, as required herein and to prevent unnecessary expenses associated with the development of the Site Plan. This optional procedure shall be considered to be a convenience for the applicant and shall not constitute an official zoning permit application or submission and shall not convey any benefits or assurances to the applicant which he would not otherwise have had if such an optional site plan were not submitted by the applicant. All such optional plans shall be clearly marked with the words “Preliminary Sketch Plan”.

- 5.403 Site Plan Requirements- The official Site Plan shall include the following information:
- a. An application for a Use located in a Use Class requiring Site Plan Review, as required by this Ordinance, shall be submitted to the Zoning Officer. The applicant shall also submit five complete sets of site plans certified by a registered engineer, surveyor, or architect.
  - b. When a site plan has been officially submitted, it shall be placed on the Planning Commission agenda from review at its next regular meeting, provided the official submission is made ten business days or more before the regular meeting.

- c. Within 45 days after the official submission of a site plan, the Planning Commission shall make a written recommendation to the Zoning Officer, the Zoning Hearing Board or Supervisors, depending on whether the zoning permit requested is for a Permitted Use, a Special Exception Use or a Conditional Use respectively, on whether the Plan should be approved or disapproved. The written recommendation shall include the underlying findings and reasons affecting the Planning Commission's recommendations.

In making such a recommendation, the Planning Commission may receive advice and review comments from the Township's Engineer or any other competent review authority.

- d. The appropriate body (Zoning Officer, Zoning Hearing Board, Supervisors) shall take action by approving or disapproving the plan either within 45 days after receiving the Planning Commission's written recommendation or within 90 days after the site plan is officially submitted. The Zoning Officer shall inform the applicant in writing of the action taken by the appropriate body and shall issue any applicable permit.
- e. Site plan approval shall neither relieve the applicant from any other provision of this Ordinance nor constitute a recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.
- f. The following information shall be included on the site plan. Any such information which is not considered applicable to the proposed use may be waived by the Zoning Hearing Board or the Zoning Officer.
  - 1. A statement as to the proposed use of the building or land.
  - 2. A site layout drawn to scale of not less than one inch equals 100 feet showing the location, dimensions and area of each lot, the location, dimensions and height of proposed buildings, structures, streets, roads and existing buildings in relation to property and street lines. If the application related to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - 3. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off street parking, off street loading and unloading and provisions to be made for lighting such areas.
  - 4. The location, dimensions and arrangements of all open spaces and yards, landscaping, fences and buffer yards, including methods and

materials to be employed for screening.

5. The dimensions. Location and methods of illumination for sign and exterior lighting.
6. The locations and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
7. Sanitary and stormwater facilities and connections. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage. Submission of a Stormwater Management Plan with supporting calculations shall be required.
8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the information on total land area, area to be reserved in common open space, density, maximum building coverage, total area to be covered with impervious surfaces and other information which will assist the Commission in determining compliance with this Ordinance.
9. A description of any proposed use in sufficient detail to permit the Commission to determine compliance with the performance and traffic impact requirements .
10. Site topographic contours shall be provided as follows:
  - Two foot intervals on tracts with grades of up to 5%
  - Five foot intervals on tracts with grades exceeding 5%
11. All proposed site grading; drainage provisions; road, driveway and parking lot construction and proposals.
12. A key map showing the entire project and its relation to surrounding properties and existing building thereon.
13. Soils, slopes and floodplain delineation.
14. Certification by a engineer or surveyor.
15. Certification of ownership and acknowledgement of plan by owner or developer.
16. Location of all wetland area(s), if applicable.

## 5.500 MISCELLANEOUS PROVISIONS

### 5.501 Fences, Walls and Planting Materials –

- a. General Requirements – Any person, corporation, firm or association intending to erect a fence shall, before work is commenced, make application to the Zoning Officer as required below and by this Ordinance and no work on such a fence shall be commenced before receipt of a permit from the Zoning Officer.

Fences may be either a “Natural Living Fence” or a “Fabricated Materials Fence” as defined in Article 2.

Well-maintained and safe trees, shrubs or hedges and other appropriate plant material, which do not constitute a Natural Living Fence as defined herein, and which are designed to enhance the livability and attractiveness of any lot may be located in any yard or court, provided that they do not encroach on adjoining properties or uses, or provide an obstruction to vision, as defined in Article 2.

- b. Location of Fences – Fences may be located up to the property line in front, rear or side yards and shall not encroach on any public right-of-way. All fences shall be located completely on the owner’s property and shall not overlap property lines. Fence designs and locations must permit the fence to be maintained completely from the owner’s side of the property.
- c. Height of Fences – The height of all fences shall be as set forth in the Table located in the back of this book.
- d. Obstruction to Vision – No fence shall create an “Obstruction to Vision” as defined in Article 2.
- e. Removal of Unsafe or Nuisance Fence – Any fence which obstructs vision as defined herein or which impedes vehicular or pedestrian traffic or which causes a fire hazard, restricts safe access, unduly restricts light or air and/or affects public or traffic safety, or which creates a nuisance shall be removed. The Zoning Officer shall have the authority to direct the removal of such unsafe or nuisance fences or to direct the trimming or modification of any natural living fence or of any other vegetation so as to eliminate the unsafe or nuisance conditions.
- f. Swimming Pool Fences – Private outdoor swimming pools shall be protected with a fence.
- g. Fence Materials and Construction –

1. All fences shall be designed and constructed to serve as “permanent” fences which are solidly constructed and which are capable of resisting the effects of weather and which are permanently affixed in place, except as provided below.
2. The following fences or fencing materials are specifically prohibited:
  - Razor or wire fences
  - Barbed wire fences except in areas used for agricultural purposes.
  - Picket or pointed fences which are less than 36 inches in height.
  - Canvas fences
  - Electrically charged fences, except where required to control animals.
  - Snow drift fencing
  - Temporary fences such as snow fences and expandable fences and collapsible fences, except when needed to meet emergency conditions or during construction of a building.
3. All chain link fences erected shall be erected with the closed loop at the top of the fence.
4. All entrances or gates shall open into the property.
5. All fences or walls must be erected so as not to encroach upon a public right-of-way or easement.
6. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to the adjoining yards.
7. If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.
8. If the fence is of masonry construction, a finished surface must be provided on the exterior side.

5.502 Screening Requirements – Adequate screening requirements, as described herein, shall be provided along the front, side and rear boundaries of any industrial, manufacturing, commercial, public or resort use which is carried on outside of any completely enclosed building, or for any off street parking or loading area for more

than five vehicles, which abuts a residential area or zoning district or which is directly visible or across a street or alley from a residential area, or along the boundaries of any other use where such screening is required by this Ordinance, or for any special exceptions or conditional use as required by the review of the Board of Supervisors.

Open construction or storage yards, Solid Waste Transfer Stations and recycling centers, Detention Centers, junk yards or similar uses shall be screened in accordance with the provisions of this section.

The Zoning Hearing Board may waive any screening requirement, in part or in its entirety, where natural terrain considerations eliminate the need for such a screen or where access considerations or adjoining development would not substantially benefit from a screen, as determined by the Board.

Such screening shall conform with the applicable fence requirements and consist of a visual screen or obstruction of sufficient height, but not less than six feet high, to effectively obscure the area being screened from adjoining uses. Such a screen or obstruction shall consist of a suitable permanent fence or wall or appropriate planting materials, such as shrubs, hedges or trees to be located within a buffer strip having a minimum width of five feet. Such fence, wall or planting materials shall be maintained in good condition without any advertising thereon.

Any space between such fence, wall or planting materials and adjoining lot lines shall be surfaced and/or landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. The screening shall be within five (5) feet of the property line.

5.503 Slope of Yards – The surface area of any yard open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.

5.504 Public Water and Sewer Facilities – All buildings within the Township shall be served with adequate public water and sanitary sewer facilities when available within 150 feet and where such facilities are not available suitable alternate facilities meeting the requirements of DEP shall be provided.

5.505 Prohibited Uses – The following uses shall be prohibited:

- a. Obscene Materials or Activities – Any use involving activities which constitute a violation of 18 PA C.S.A. 5903, as amended, or as defined herein relating to display, sale, lending, distribution or exhibiting of obscene and other sexual materials are prohibited in every zoning district.

The exhibition or dissemination of obscene materials or activities, as defined



herein, which do not constitute a violation of 18 PA C.S.A 5903, as amended, shall only be permitted in a zoning district which clearly list such a use, and all such uses shall be conditional uses as defined herein.

5.506 Cemeteries – Cemeteries may be permitted by the Zoning Hearing Board as a “Special Exception” use in the A/R Zoning District, provided that such uses are licensed by the Commonwealth of Pennsylvania. No burial plot shall be permitted in areas which are located in the 100 year floodplain as set forth in the Township Floodplain Ordinance, or in areas where the cemetery may be contaminating private wells or water supplies. All burial plots shall be located at least 50 feet from all property lines.

5.507 Design of Highway (Non-Residential) Development – It is the objective of this Ordinance to encourage the orderly development of commercial, industrial and other non-residential parcels in a manner which will provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:

- a. The design of street, service drives and pedestrian ways shall provide for safe, convenient and hazard-free internal circulation of goods, persons and vehicles.
- b. Non-residential parcels shall be limited to no more than two (2) driveway access points from the street or highway from which they derive their principal access and such driveway access points shall not be more than 40 feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
- c. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development:
  1. The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
  2. The development of parking and loading areas which permit convenient traffic circulation between adjoining parcels.
  3. The development of pedestrian walkways between adjoining parking areas and buildings.
  4. The provision of landscaping and other features which will enhance the usability, character and attractiveness of the area.

5.508 Private Outdoor Swimming Pools – A single private outdoor swimming pool and/or hot tub are permitted as accessory uses to a residential structure provided that such facilities are for private use of the residents of the dwelling unit or for their guests as set forth below:

- a. Swimming Pools – Such a pool may be located within the required rear or side yards for the District in which the pool is to be located except that no portion of the body of water in the pool shall be located closer to the property line than ten feet, or six feet if located on a nonconforming lot and no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than six feet to any property line.

All pools shall be surrounded and enclosed by a four foot high fence or wall structurally suitable to deter direct access to the body of water in the pool. Such a fence or wall shall not have openings, holes or gaps therein larger than four inches in width, no larger than four inches in length except for doors or gates; provided, however, that if a picket fence is erected or maintained the horizontal dimension between pickets shall not exceed four inches; provided, further, that a dwelling house or accessory building may be used as a part of such a fence or wall and provided, further, that existing hedges which effectively screen and deter access to the pool, may be used as such enclosure or a part of parts thereof with the written approval of the Zoning Officer. The Zoning Officer may approve such existing hedges, which substantially comply with the above requirements.

All gates or doors opening through such an enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

Fences shall be constructed of weather-resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps.

The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool provided that such sides of the pool are at least four feet high and provided further that any stairs, steps or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which will prevent their use when the pool is not in operation by the residents of the property or their guests.

Any pool whose body of water is closer than ten feet to a property line shall be shielded by a six-foot high privacy fence, hedge or other suitable visual obstruction where required to insure privacy for the adjoining property as

determined by the Zoning Officer. Such a privacy fence may also serve as the fence required to deter direct access to the body of water as required herein if it conforms with the other requirements of this Section.

All swimming pools and hot tubs shall also comply with the requirements of the Township “Standards for the Construction, Maintenance and Use of Private Swimming Pools” set forth in Chapter 23 of the Township Codified Ordinance.

Hot Tubs – A single non-commercial hot tub may be constructed as an accessory use to serve a residential structure. The water surface area of such a tub shall not exceed 36 square feet or seven feet in length. All hot tubs shall be provided with a permanent secure locked cover which shall be kept locked when not in use.

All of the yard, fencing and other requirements applicable to swimming pools shall also apply to hot tubs.

Adequate buffering or privacy fences shall be provided to preserve privacy and to prevent visual or noise nuisances or the glare of related lighting for adjoining properties in accordance with the fencing and requirements of Sections 5.305 and all plumbing associated with hot tubs shall meet Township Code standards and shall consist of a permanent all weather system maintained in good repair.

5.509 Quarry – The purpose of the Quarry regulation is to reserve appropriate areas of the Township for quarrying and processing of quarry raw materials, to provide reasonable standards for quarry operations in order to prevent conditions which would interfere with the enjoyment or use of other properties, and to allow uses of a temporary nature in locations premature for quarrying.

- a. Permitted uses in the following areas:
  2. Agriculture, horticulture and forestry related areas.
  3. Public and nonprofit parks and playgrounds
  4. Public utilities structures
- b. All trash dumpsters shall be set back a minimum of one hundred (100) feet from all adjoining properties and shall be screened from adjoining roads and residential properties.
- c. Off street loading shall be provided. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.

- d. Off-street parking shall be provided as specified in this Ordinance.
- e. All access drives shall be in accordance with this Ordinance.
- f. Signs shall be permitted as specified in this Ordinance.
- g. Any portion of the site not used for buildings, structures, parking lots, loading area, outdoor storage areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.
- h. All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available to governmental bodies.
- i. All uses permitted within this regulation shall also comply with all applicable General Provisions.

## **ARTICLE 6 – ADMINISTRATION AND ENFORCEMENT**

### **6.100 GENERAL PROCEDURE**

- 6.101 General Sequence of Steps – Persons desiring to undertake any new construction, structural alteration or changes in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. Where required, as set forth in Article 4, a Site Plan in accordance with Section 5.800 shall also be submitted with and made a part of the application.

Based on the applicable regulations of this Ordinance and, if required, after any required review by other officials, the Zoning Officer will either issue or refuse the Zoning Permit and the Zoning Officer will indicate in writing any conditions attached to the Permit or the reason for any refusal. If refused a permit, the applicant may appeal to the Zoning Hearing Board for further consideration. After the Zoning Permit has been received by the applicant, he/she may proceed to obtain other necessary permits and undertake the action permitted by the Zoning Permit and by other necessary permits, and upon completion of such action, shall apply to the Zoning Officer for an Occupancy Permit where such a permit is required. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.

Upon receipt of an application for a zoning permit, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable Township Ordinances, statutes and regulations. The Zoning Officer shall complete this examination within twenty (20) days from the date of the application, was filed with the Township and receipt of all required fees. The Zoning Officer shall determine if subdivision and/or land development approval and/or stormwater management plan approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No Zoning Permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit or a highway occupancy permit issued by the Department of Transportation of the Commonwealth of Pennsylvania has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and shall return one copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the Township files.

6.102 Zoning Permit Types – Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- a. Permitted Uses – A Zoning Permit for a permitted use may be issued by the Zoning Officer on his/her authority.
- b. Special Exception Use – A Zoning Permit for a Special Exception Use may be issued by the Zoning Officer upon the order of the Zoning Hearing Board, after a hearing and after any required review by the Planning Commission.
- c. Conditional Use – A Zoning Permit for a Conditional Use may be issued by the Zoning Officer upon the order of the Supervisors, after a hearing and after receipt of a recommendation from the Planning Commission.
- d. Zoning Permit after an Appeal or a Request for a Variance – A Zoning Permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.
- e. Temporary Use Permits – Zoning permits for a temporary use may be issued by the Zoning Officer or the Zoning Hearing Board as required by any of the provisions of this Ordinance.

6.200 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

6.201 Applications to the Zoning Officer – All applications for Zoning Permits for Permitted, Special Exception or Conditional Uses; for Occupancy Permits, for Certificates of Nonconforming Use, for variances and for interpretations of any fact or provision of this Ordinance shall be made directly to the Zoning Officer. Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land and any other information required by this Ordinance.

All applications for Special Exception or Conditional or other Uses subject to Site Plan review as set forth in Section 5.800 shall also include the information required therein.

The Zoning Officer, Zoning Hearing Board or the Supervisors may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its conformity with this Ordinance.

6.202 Applications to Zoning Hearing Board – All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Secretary and/or Solicitor of the Zoning Hearing Board. Such appeals shall be in writing and shall explain fully the facts and particulars of the case and shall clearly state the reasons and provisions of the Ordinance on which the appeal is based.

6.203 Zoning Permits – A Zoning Permit shall be obtained from the Zoning Officer for the following purposes:

- a. For any erection, construction, alteration, extension, replacement, relocation or conversion of any building or structure or the commencement of excavation for construction of any building or structure;
- b. For the change in use of any building, structure, sign and/or land. No zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimension of the building or structure, or otherwise violate the provisions of this Ordinance or applicable statute or regulation. Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises. No person shall make any change in land use or perform the actions described herein unless a Zoning Permit is being displayed.

Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time. The Zoning Officer, the Zoning Hearing Board or the Supervisors may revoke a Zoning Permit at any time if it appears that the application is in any respect false or misleading or that work being done upon the premises differs materially from that called for in the application.

No Zoning Permit shall be issued by the Zoning Officer for any Special Exception or Variance or Appeal, except on written order of the Zoning Hearing Board; and no Zoning Permit for a Conditional Use shall be issued by the Zoning Officer except on written order of the Supervisors; or for any proposed construction, alteration or use that would be in violation of any provision of this Ordinance.

Unless there has been substantial progress in the work for which a Zoning Permit was issued, as determined by the Zoning Officer, said permit shall expire one year from the date of issue, except that the Zoning Officer may grant a request for a reasonable extension of time, not to exceed one year, if warranted by the nature of the construction involved, or the permit must be repurchased.

The Zoning Officer shall revoke a permit or approval issued under the provisions of this Zoning Ordinance in the case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based,

or if the permit has been issued in error or if work is not undertaken in accordance with the permit or for any other proper cause. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the zoning permit as authorized by the Municipalities Planning Code.

- 6.204 Occupancy Permits – The purpose of an Occupancy Permit is to certify that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept upon the premises and shall be displayed upon request made by any officer of the Municipality. All applications for Occupancy Permits shall be in writing on forms to be furnished by the Zoning Officer.
- 6.205 Certificate of Nonconforming Use – The registration of an existing nonconforming use and/or structure may be requested by the owner of the property where such a use or structure is located. Upon application by such an owner, the Zoning Officer shall inspect and register the nonconforming uses and/or nonconforming structures on the property.

The owner of the premises occupied by lawful nonconforming use or structure will then be issued a Certificate of Nonconforming Use from the Zoning Officer. Such Certificate shall be for the purpose of certifying to the owner his right to continue such nonconforming use or structure in accordance with the requirements of Section 5.400.

### 6.300 ZONING OFFICER

- 6.301 Appointment of Zoning Officer – This Ordinance shall be enforced by the Zoning Officer who shall be appointed by the Supervisors. Said Zoning Officer shall not hold any elective office in the Municipality. The Zoning Officer shall meet the qualifications established by the Municipality and shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning.

### 6.302 Duties and Powers

- a. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- b. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.



- c. The Zoning Officer shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits within 20 days of the receipt of the application or where applicable shall refer said application within 20 days to the Zoning Hearing Board, Supervisors and/or Planning Commission. The Zoning Officer shall issue a written notice of violation to any person, firm or corporation violating any provisions of this Ordinance. He shall keep records of applications, or permits or certificates issued, of variance granted, of inspections made, of reports rendered and of notice or orders issued and where applicable in accordance with Section 6.205, shall identify and register nonconforming uses and structures and shall make all inspections required to determine conformance with this Ordinance and perform all other duties as called for in this Ordinance.
- d. The Zoning Officer is specifically authorized to enter any property or building for the purpose of investigation and enforcement of any of the provisions of this Ordinance and may be authorized by the Supervisors to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.
- e. Shall have proper identification/photo ID at all times.

#### 6.400 ZONING HEARING BOARD

6.401 Board is Hereby Created – A Zoning Hearing Board consisting of three members, is hereby established in accordance with the provisions of the State Act of 1968, P.L. 805, No. 247 as reenacted and amended, the Pennsylvania Municipalities Planning Code. The members of the Board shall be residents of the Municipality and shall be appointed by the resolution of the Supervisors to serve for the terms as prescribed in Section 9.03 of the Municipalities Planning Code. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

6.402 Organization of Board – The Zoning Hearing Board shall elect officers and conduct any hearings and take any actions required by the Ordinance and may make rules and forms for its procedure.

6.403 Board Functions – The Zoning Hearing Board shall conduct its business in accordance with Article IX of the Municipalities Planning Code and shall be responsible for the following:

- a. To hear and decide appeals against any alleged errors or actions of the Zoning Officer.
- b. To hear and decide all requests for the interpretation of fact or provision of this Ordinance.

- c. To hear and decide all requests for “variances”.
- d. To hear and decide all requests for “special exceptions” in accordance with the standards and criteria set forth in this Ordinance.

Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof by the Board or by the Court if such special exception has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within two (2) years from the date of authorization thereof by the Board, or by the Court if special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown may extend the approval for an additional period of up to one (1) year.

- e. To hear and decide challenges to the validity of this Ordinance or Zoning Map or to any procedural questions or defects which are within its jurisdiction.
- f. The preparation and submission of a report of its activities to the Supervisors once a year.
- g. To hear and render final adjudications in any other matter for which the Board shall have been granted jurisdiction by Article 9 of the Municipalities Planning Code.

All findings and decisions of the Board shall be in writing and shall be rendered within 45 days after the last hearing before the Zoning Hearing Board and if the Board fails to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension time.

The Board shall perform such other duties as may be provided or made necessary by this Ordinance, or by State Act No. 247 of 1968, P.L. 805, as reenacted and amended, including the interpretation of zoning boundaries, the holding of hearings after proper notice, the referral of any pertinent matter to the Planning Commission for review and recommendations. The Board shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

- 6.404 Notice of Hearings – Notice of all hearings of the Zoning Hearing Board shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Supervisors and such other persons who have made a timely request for such notice. Such notice shall be given in accordance with the definition for “Public Notice” set forth in Article 2.

In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

6.405 Referral to the Planning Commission – The Zoning Hearing Board shall refer to the Planning Commission all applications for Special Exceptions, Conditional Uses, requests for curative amendments and any other applications or appeals which, in the opinion of the Zoning Hearing Board, require review by the Planning Commission. In its review, the Planning Commission shall determine compliance with the standards and criteria set forth in this Ordinance and in all cases may report in writing its findings and recommendations to the Zoning Hearing Board or Supervisors within 14 days, as required by this Ordinance. If such a report is not received by the Board or by the Supervisors within said time period, the Board or Supervisors may then proceed to final action on the case.

#### 6.500 VARIANCES

6.501 Board May Authorize Variances – The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in any given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. That such unnecessary hardship has not been created by the appellant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- 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.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof by the Board or by the Court if such variance has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within two (2) years from the date of authorization thereof by the Board, or by the Court if such variance has been granted after an appeal. The Board, upon written application and for reasonable cause shown may extend the approval for an additional period of up to one (1) year.

#### 6.600 TOWNSHIP SUPERVISORS

6.601 Function of Township Supervisors - The Supervisors will be responsible for the following:

- a. To hear and decide all requests for recommendations for amendments submitted to the Municipality by the Planning Commission or any other applicant for an amendment as set forth herein and as may be provided for in accordance with the requirements of the Pennsylvania Municipalities Planning Code State Act of 1968, P.L. 805, No. 247, as reenacted and amended.

All findings and decisions of the Supervisors shall be in writing and shall be rendered within 45 days after the last hearing before the Supervisors and if the Supervisors fail to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension in time.

The Supervisors shall perform such other duties as may be provided or made necessary by this Ordinance, or by Pennsylvania Municipalities Code, as amended, including the holding of hearings after proper notice and the referral of any pertinent matter to the Planning Commission for review and recommendations. The Supervisors shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

6.602 Notice of Hearings - Notice of all hearings of the Supervisors shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Zoning Hearing Board and any other persons who have made a timely request for such notice. Such notice shall be given in accordance with the term "Public Notice" as defined in Article 2.

In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

6.603 Referral to the Planning Commission – The Supervisors shall refer to the Planning Commission all applications for Conditional Uses, and any other applications or appeals which, in the opinion of the Supervisors, require review by the Planning Commission. In its review, the Planning Commission shall, in the case of Conditional Uses, determine compliance with the standards and criteria set forth in this Ordinance, and in all cases may report in writing its findings and recommendations to the Supervisors within 14 days.

#### 6.700 HEARINGS

6.701 Public Notice – Public Notice required for any hearings to be held by the Zoning Hearing Board, or the Supervisors shall be given as described in Sections 6.404 and 6.602 above.

6.702 Date of Hearing – The hearing shall be held within sixty (60) days from the date of the applicant’s request, unless the applicant has agreed in writing to an extension of time.

6.703 Conduct of Hearings – All hearings shall be conducted in accordance with the Municipal Planning Code (MPC) and the following:

- a. The parties to the hearing shall be the Board of Supervisors, any party who called for the hearing, person affected by the application who has made timely appearance of record, and any other person including civic or community organizations permitted to appear by the Board or by Supervisors.
- b. The Board of Supervisors 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.
- c. 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.
- d. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- e. The Board, Supervisors or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings.

- f. The Board, Supervisors or 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 communications, reports, staff, memoranda or other materials, except advice from the 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.
- g. The Board, Supervisors 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 Board, Supervisors 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 this Ordinance or of any law, ordinance, rule or regulations 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. Where the Board, Supervisors or the Hearing Officer, as the case may be, fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty days from the date of the applicant request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
- h. 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 no later than the day following the date of the decision. To all other persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined shall be mailed.

## 6.800 AMENDMENTS

- 6.801 Procedure – The Supervisors may, on its own motion or by petition, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map. Before voting on the enactment of an amendment, the Supervisors shall hold a public hearing thereon, pursuant to public notice as required by the State Act of 1968, P.L. 805, No. 247, as reenacted or amended.

Any landowner, or the Township itself may propose and prepare a “Curative Amendment”, as defined in Article II, to the Zoning Ordinance for consideration by the Supervisors in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

In the case of an amendment other than that prepared by the Planning Commission, the Supervisors shall submit each amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment. In all cases, the Supervisors shall submit any proposed amendment to the Mifflin County Planning Commission at least 30 days prior to the public hearing on such proposed amendment. Said submittals shall provide said Planning Agency an opportunity to submit recommendations.

If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At all public hearings, full opportunity to be heard shall be given to any citizen and all parties in interest.

Within thirty (30) days after the enactment, a copy of the amendment to this Ordinance shall be forwarded to the Mifflin County Planning Commission.

#### 6.900 APPEALS, VIOLATIONS AND PENALTIES

6.901 Appeals – Appeals may be filed with the Zoning Hearing Board not later than thirty (30 ) days after the date of action which is being appealed has been made, in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

6.902 Violations – The construction, excavation, alteration, maintenance or use of any structure, building, sign, land or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building , structure or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Ordinance; or the use of property for the use different from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the property without applying for and being ranted a zoning permit and certificate of use and occupancy for such new or different use; or the failure to comply with any other provisions of this Ordinance; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a Court of competent jurisdiction if a special exception , variance or conditional use is granted by such Court are hereby declared to be violations of this Zoning Ordinance.

6.903 Enforcement Notice

- a. If it appears to the Supervisors that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
- 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 so requested in writing by the owner of record.
- c. An enforcement notice shall state at least the following:
  - The name of the owner of record and any other person against whom the Township intends to take action.
  - The location of the property in violation.
  - The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
  - 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.

6.904 Causes of Action – In case any building, structure, land or landscaping is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Supervisors, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, land or landscaping, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Supervisors. No such action may be maintained until such notice has been given.



6.905 Enforcement Remedies

- a. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500), as set by Resolution of the Board of Supervisors, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

- b. The Mifflin County 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 judgement.
- c. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

6.1000 FILING FEES

Filing fees for the review and processing of all applications for Zoning Permits, Occupancy Permits, requests for variances, amendments or appeals, Certificate for Registration of Nonconforming Uses and other related matters to determine compliance with this Ordinance shall be charged to the Applicant in accordance with Appendix A attached hereto. Said Appendix A may be amended from time to time by the Supervisors by ordinance or resolution.

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

GRANVILLE TOWNSHIP SUPERVISORS

\_\_\_\_\_  
Secretary/Treasurer

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Supervisor