

NIPPENOSE TOWNSHIP ZONING ORDINANCE



Adopted: TBD 2025

ZONING ORDINANCE
for
NIPPENOSE TOWNSHIP
LYCOMING COUNTY, PENNSYLVANIA

ADOPTED TBD 2025

Nippenose Township Supervisors

- 1.
- 2.
- 3.
- 4.

Nippenose Township Planning Commission

- 1.
- 2.
- 3.

Nippenose Township Zoning Hearing Board

- 1.
- 2.
- 3.

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In Conjunction with the Nippenose Township Planning Commission and the Nippenose Township Supervisors

Zoning Map Prepared by the Lycoming County Mapping and Geographic Information Systems

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Schedule of Uses

Zoning Districts: C/OS – Conservation/Open Space,
A – Agriculture, R – Residential, V – Village

Key:

P – Permitted Use
SE – Special Exception Use
CU – Conditional Use

Uses	See Section:	C/OS	A	R	V
		3.5	3.6	3.7	3.8
Accessory Uses/Structures (see §5.2 & 5.3)		P	P	P	P
Adult Use (see §4.2)		CU			
Agricultural Business			SE		
Agricultural Operation (see §4.3)			SE		
Agriculture (see §4.3)		P	P		
Airport or Aviation Facility (see Article 6)			CU		
Animal Hospital (see §4.4)			SE		
Automotive/Car Wash, Repair, Sales or Service Facility (see §4.5)			SE		
Bed & Breakfast (see §4.6)		P	P	SE	SE
Child/Geriatric/Adult Day Care Center (see §4.7)			SE	SE	SE
Clubs & Lodges		P	P		
Cluster Subdivision (see §4.8)					P
Communications Antenna, Equipment Building (see §4.9)		P	P	P	P
Communications Tower (see § 4.9)		P	SE		
Contractor's Yard (see § 4.10)		CU	CU		
Correctional Facility		CU			
Cultivation of Crops & Home Gardening (no zoning permit req'd)		P	P	P	P
Essential Services (no zoning permit req'd)		P	P	P	P
Forestry Activities (no zoning permit req'd)		P	P	P	P
Group and Family Child Care Homes (see §4.7)		P	P	P	P
Group Home (see §4.11)		P	P	P	P
Home Based Business (see §4.12)		SE	SE	SE	SE
Home Occupation (see §4.13)		SE	SE	SE	SE
Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center (see §4.14)		CU			
Institutional Residence (see §4.15)					CU
Junkyard or Salvage Yard (see §4.16)		CU	CU		
Kennel (see §4.4)		P	P	SE	SE
Manufacturing, Research and Testing Laboratories (see §4.17)		CU	CU		
Medical Marijuana Grower/Processor (see §4.18)			SE		
Medical Offices, Clinic, Surgery Center					SE
Metering Station (see §4.21)		P			
Mobile Home Park (see §4.19)					CU
Multiple Family Dwelling (see §4.15)				SE	SE
Multiple Family Dwelling Development (see §4.15)					CU
Natural Gas Compressor Station or Processing Plant (see §4.21)		SE			
No Impact Home Based Business (see §4.20 - no zoning permit req'd)		P	P	P	P
Oil & Gas Development (see §4.21)		P			
Oil & Gas Staging Facility (see §4.21)		CU	CU		
Preservation & Conservation Areas		P	P		
Professional Office, Professional Office Group		SE	SE	SE	P
Public Park		SE	SE	SE	SE
Public and Quasi-Public Use		SE	SE	SE	SE
Public Service Facility		SE	SE	SE	SE
Recreation, Indoor including Entertainment Facility, Museum			P	P	P
Recreation, Outdoor including Camp or Campground Use, Hunting Club		SE	SE		
Restaurant, Hotel or Motel, Convenience Market			SE	SE	SE
Retail, Banks, Wholesale, Printing or Non-Automotive Service or Repair Business		CU	CU	SE	SE
Self-Storage Facility (see §4.22)		SE	SE		
Shopping Center (see §4.23)		SE	SE		
Single Family Dwelling, Seasonal Dwelling		P	P	P	P
Surface Mining (see §4.24)		CU	CU		
Townhouses (see §4.25)					CU
Trucking Terminal, Warehousing, Distribution Center		CU	CU		
Two-Family Dwelling		P	P	P	P
Waste Facility or Waste Transfer Facility (see §4.27)		CU			
Water Meter Storage Facility (see §4.21)		P	SE		
Water Withdrawal Facility (see §4.21)		P	P		
Wind Energy Facility (see §4.28)		CU			

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ARTICLE 1 General Provisions

1.1 Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

1.2 Short Title

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

1.3 Effective Date

This Ordinance is effective immediately upon enactment.

1.4 Purpose

This Ordinance is designed, adopted, and enacted:

1.4.1 – In consideration of the various character of the municipality, its various parts and the suitability of the various parts for particular uses or structures.

1.4.2 – To promote the public's health, safety, morals, and the general welfare; encourage the most appropriate use of land and stabilize the value of property; provide adequate open spaces for light and air; prevent undue concentration of population and lessen congestion on streets and highways.

1.4.3 – To minimize danger to public health by protecting water supply and natural drainage.

1.4.4 – To maintain the viability of Antes Fort as a village center by allowing for a variety of land uses.

1.4.5 – To maintain the viability of a strong agricultural area in the Township.

1.5 Community Development Objectives

The Community Development Objectives of this zoning ordinance are the community goals and objectives identified in Chapter 2 through 5 of The Comprehensive Plan for Lycoming County adopted August 24, 2006, by the Lycoming County Board of Commissioners, and as amended by the Priority Issues identified in the 2016 Multi-Municipal Comprehensive Plan Review and Implementation Strategy for the US.

1.6 Interpretation

In the interpretation and the application of the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare. Any reference to this ordinance, or any effective date of this ordinance shall, in all cases, refer to and include the most recent amendments to this ordinance.

1.7 Establishment of Controls

1.7.1 Minimum and Uniform Regulations – The regulations set by this Ordinance within each district are the minimum regulations and apply uniformly to each class or kind of structure or land.

1.7.2 For New Uses and Structures – In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

1.7.3 For Existing Uses and Structures – In all districts, after the effective date of this Ordinance, any existing building or other structure, or any which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article 10.

- 1.7.4 Types of Controls – The following minimum and uniform regulations apply in the respective districts:
- Use regulations, including Permitted, Special Exception, and Conditional Uses;
 - Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
 - Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Structures, Buildings, Off-street Parking and Loading; Projections into Yards; Screening and Landscaping; Signs; and other unique conditions; and
 - Criteria for the evaluation of Special Exception and Conditional Uses.;

1.8 Application of Regulations

Except as provided for elsewhere within the Ordinance:

1.8.1 – No building, structure, or land shall be used or occupied, and no building or structure shall hereafter be located, converted or structurally altered except in conformity with all regulations herein specified for the district in which it is located.

1.8.2 – No part of a yard, or other space, or off-street parking or loading space required with any building for the purpose of complying with the Ordinance, shall be included as part of a yard, open space; or off-street parking or loading space similarly required at other times.

1.8.3 – No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established by this Ordinance.

1.8.4 – When a specific use is neither permitted nor prohibited in the schedule of district regulations, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. See Sections 4.26 and 15.2 for further information regarding this procedure.

1.8.5 – In cases of "Mixed Occupancy" the regulation for each use applies to the portion of the building or land so used.

1.9 Severability

The provisions of this Ordinance are severable, and if any of these provisions are held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining portions of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

1.10 Conflicts

1.10.1 Repeal – All ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

1.10.2 Relation to State Law – In all matters including those regulated by the laws of the Commonwealth of Pennsylvania, including the Uniform Construction Code, such laws control where their requirements are in excess of this Ordinance. The controls herein contained shall be applicable in all cases where the State requirements are less than herein contained.

1.11 Disclaimer of Liability

1.11.1 – This Ordinance shall not create liability on the part of the Township of Nippenose or any officer or employee thereof for any fire or flood damage that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

1.11.2 – Regarding the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that land-use permitted within such areas will be free from flooding or flood damage.

1.11.3 – Access to a public system (i.e., water or sewage systems), when stipulated by this ordinance, cannot be guaranteed by terms of access where available are set by the receiving authority or utility company.

1.12 Amendment to Prior Ordinance

This Ordinance serves to amend under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of December 21, 1968, P.L. 805, No. 247, enacted and amended December 21, 1988, P.L. 1507, No. 270; prior Nippenose Township Zoning Ordinance, enacted and ordained by the Supervisors of Nippenose Township, Lycoming County, Pennsylvania, on June 2, 1992, and any subsequent amendments to that Ordinance included:

- February 2, 1993 (Ordinance 93-43)
- March 2, 2004 (Ordinance 04-55)
- June 5, 2000 (Ordinance 01-55)
- November 2, 2004 (Ordinance 04-46)
- April 6, 2004 (Ordinance 04-60)
- February 5, 2008 (Ordinance 08-43)

This provision is not to conflict with Section 1.10.1 and the repeal of inconsistent prior Ordinance and amendments. This amendment shall be effective immediately upon adoption.

1.13 Effective Date

This Ordinance was adopted and shall be effective on the earliest date permitted by Township Law.

ARTICLE 2 Establishment of Zoning Districts and Zoning Map

2.1 Names and Purposes of Zoning Districts

Nippenose Township is hereby divided into the following districts:

1. C/OS – Conservation/Open Space District

It is the intent of this district to encourage the conservation of land where the economics of building and supplying public facilities and services is not in the public interest, such as steep slopes, flood plains, wetlands, or other environmentally fragile areas. The value of conserving land is recognized, as well as the problems that can be created by over-utilization or development of such areas. Problems can arise involving soil erosion, unstable slopes, stream and drainage way sedimentation, water supply contamination, and loss of aesthetic values. The regulations governing this district therefore encourage uses that will enhance these environmental protection objectives.

2. A - Agricultural District

The purpose of this district is to preserve and protect the agricultural characteristics of the Township and to recognize agricultural production as an important economic activity. The intent of such a designation is to permit those lands best suited for agriculture to continue being utilized for that purpose. All types of agricultural use, including agribusinesses, are permitted as well as some limited residential activities. Non-compatible uses or uses which would substantially interfere with the purpose of this zone are discouraged.

3. R - Residential District.

The purpose of this district is to foster low-density residential development by providing space within the Township for the establishment of new single-family residential neighborhoods and for the expansion of existing developments at a minimum density that maintains the rural character upon the premise that available lot size for new construction shall be based upon the premise that only one public utility, either public water or on-lot sewer, will be available and that one-on-one utility service will be required based on the distribution of Township's utility systems. New commercial and industrial activities are limited in this zone, but compatible public and semi-public uses are permitted.

4. V – Village District.

The purpose of the Village District is to maintain the viability of the existing community of Antes Fort by allowing for a mixed land use pattern of residential, public service, community, cultural, educational, commercial and manufacturing uses. New development of the uses noted above can be accommodated in this district provided that the community character is maintained that the pertinent standards contained within this ordinance are met, and to the extent that land and utilities are available for the intended use. The chief distinction between the Residential and Village Districts is that in most cases the Village District will be accessible to both public sewer and water systems.

2.2 Zoning District Maps

2.2.1 Adoption of Official Zoning Map – The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map for the Township, which shall be kept at the Township office. If all explanatory matter therefore declared to be a part of this Ordinance and shall be kept at the Township office. If any changes or other matter are included on an Official Zoning Map, in boundaries in the map shall be remade after the amendment has been approved by the Nippenose Township Supervisors.

2.2.2 Copies of Zoning Map – Regardless of the existence of copies of the Zoning Maps which may from time to time be made, an Official Zoning Map shall be that map which is on file at the Township office. An Official Zoning Map shall be identified in all cases where conflicting information is identified.

2.2.3 Zoning District Boundary Lines – The zoning district boundary lines shall be as shown on an Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of roadways and streams, the corporate boundary of the Township or as identified on the Map.

2.2.4 Interpretation of Boundaries – If uncertainty exists as to the boundary of any district shown on the official Zoning Map, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Board of Supervisors. The Board of Supervisors may request a recommendation from the Planning Commission prior to making such a decision.

ARTICLE 3 District Regulations

3.1 Application of District Regulations

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein after provided:

3.1.1 – No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

3.1.2 – No building or other structure shall hereafter be erected or altered:

3.1.2.1 – to exceed the height or bulk;

3.1.2.2 – to accommodate or house a greater number of families;

3.1.2.3 – to occupy a greater percentage of lot area;

3.1.2.4 – to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to this Ordinance.

3.2 Zoning Permits

A zoning permit shall be required prior to the erection, addition or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; and prior to the change or extension of a nonconforming use.

3.3 Zoning Permit Exceptions

The following uses, related uses, and similar uses shall be exempt from the requirement of a zoning permit: Repair, reconstruction, or restoration (e.g., painting, re-siding, re-roofing) of a structure, whether principal or accessory, so long as the exterior dimensions are not enlarged, nonconformities are not extended nor created, and the use is permitted in accordance with Sections 3.5 through 3.8 of this Ordinance.

3.4 District Use Regulations and Dimensional Requirements

Specific use regulations and lot requirements are set forth on the tables that follow (see Section 3.5 – 3.8) for the applicable zoning districts of Nippenose Township.

3.5 Conservation / Open Space District

* See Table A – (C/OS) on pg. 14

3.6 Agriculture District

* See Table B – (A) on pg. 15

3.7 Residential District

* See Table C – (R) on pg. 16

3.8 Village District

* See Table D – (V) on pg. 17

Table A - 3.5 Conservation / Open Space District (C/OS)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Conditional Uses (see §4.1 & Article 15)	Minimum Lot Area Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
Accessory Uses/Structures) (see §5.2 & 5.3) Agriculture (see §4.3) Bed & Breakfast (see §4.6) Clubs and Lodges Communications Antenna, Equipment Building (see § 4.9) Communications Tower (see §4.9) Cultivation of Crops & Home Gardening (permit not req'd.) Essential Services (see definition) - permit not req'd. Forestry Activities (permit not req'd.) Group & Family Child Care Homes (see §4.7) Group Home (see §4.11) Kennel (see §4.4) Metering Station (see §4.21) No Impact Home Based Business (see § 4.20 -permit not req'd.) Oil & Gas Development (see (see §4.21) Preservation/Conservation Areas Recreation, Indoor including Entertainment Facility, Museum Single Family Dwelling, Seasonal Dwelling Two Family Dwelling Water Reuse & Storage Facility (see §4.21) Water Withdrawal Facility (see §4.21)	Home Based Business (see §4.12) Home Occupation (see § 4.13) Natural Gas Compressor Station or Processing Plant (see §4.21) Professional Office, Professional Office Group Public Park Public or Quasi-Public Use Public Service Facility Recreation, Outdoor including Camp or Campground, Hunting Club Restaurant, Hotel or Motel, Convenience Market Self-Storage Facility (see §4.22) Shopping Center (see §4.23)	Adult Uses (see §4.2) Contractor's Yard (see §4.10) Correctional Facility Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center (see §4.14) Junkyard or Salvage Yard (see §4.16) Manufacturing, Research and Testing Laboratories (see §4.17) Oil & Gas Staging Facility (see 4.21) Retail, Banks, Wholesale, Printing or non-Automotive Service or Repair Business Surface Mining (see §4.24) Trucking Terminal, Warehousing, Distribution Center Waste Facility or Waste Transfer Facility (see §4.27) - Wind Energy (see §5.28)	Minimum lot area: 10 acres for principal structure or use Minimum lot width: 200 ft. A larger minimum lot may be required based on DEP requirements <hr/> Minimum lot area for Agricultural Operation: 20 acres	Front: 75 feet from road centerline Side & Rear primary structure: 50 ft. Side & Rear accessory structure: 25 ft.	Principal Structures: Height: 35 feet (see §5.6 for exceptions) Accessory Structures Height: 1 1/2 stories Maximum Building Coverage: 5% Maximum Impervious coverage: 10%

Table B - 3.5 Agriculture District (A)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Conditional Uses (see §4.1 & Article 15)	Minimum Lot Area Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures (see §5.2 & 5.3) Agriculture (see §4.3)</p> <p>Bed & Breakfast (see §4.6)</p> <p>Clubs and Lodges</p> <p>Communications Antenna, Equipment Building (see § 4.9)</p> <p>Cultivation of Crops & Home Gardening (permit not req'd.)</p> <p>Essential Services (see definition) - permit not req'd.</p> <p>Forestry Activities (permit not req'd.)</p> <p>Group & Family Child Care Homes (see §4.7)</p> <p>Group Home (see §4.11)</p> <p>Kennel (see §4.4)</p> <p>No Impact Home Based Business (see § 4.20 -permit not req'd.)</p> <p>Preservation and Conservation Areas</p> <p>Recreation, Indoor including Entertainment Facility, Museum</p> <p>Single Family Dwelling, Seasonal Dwelling</p> <p>Two Family Dwelling</p> <p>Water Withdrawal Facility (see §4.21)</p>	<p>Agricultural Business</p> <p>Agricultural Operation (see §4.3)</p> <p>Animal Hospital (see §4.4)</p> <p>Automotive Car Wash, Repair, Sales or Service Facility (see §4.5)</p> <p>Child Care and Adult Day Care Center (see §4.7)</p> <p>Communications Tower (see §4.9)</p> <p>Home Based Business (see §4.12)</p> <p>Home Occupation (see § 4.13)</p> <p>Medical Marijuana Grower/Processor (see §4.18)</p> <p>Multiple Family Dwelling (see §4.15)</p> <p>Professional Office, Professional Office Group</p> <p>Public Park</p> <p>Public or Quasi-Public Use</p> <p>Recreation, Outdoor including Camp or Campground, Hunting Club</p> <p>Restaurant, Hotel or Motel, Convenience Market</p> <p>Self-Storage Facility (see §4.22)</p> <p>Shopping Center (see §4.23)</p> <p>Water Reuse Storage Facility (see §4.21)</p>	<p>Airport or Aviation Facility (see Article 6)</p> <p>Contractor's Yard (see §4.10)</p> <p>Junkyard or Salvage Yard (see §4.16)</p> <p>Manufacturing, Research and Testing Laboratories (see §4.17)</p> <p>Oil & Gas Staging Facility (see §4.21)</p> <p>Retail, Banks, Wholesale, Printing or non-Automotive Service or Repair Business</p> <p>Surface Mining (see §4.24)</p> <p>Trucking Terminal, Warehousing, Distribution Center</p>	<p>Minimum lot area: 2 acres per principal structure or use</p> <p>Minimum lot width: 150 ft.</p> <p>A larger minimum lot may be required based on DEP requirements</p> <hr/> <p>Minimum lot area for Agricultural Operation & Medical Marijuana Grower/Processor: 20 acres</p>	<p>Front: 50 feet from road centerline or 25 ft from right-of-way line, whichever is greater</p> <p>Side & Rear primary structure: 25 ft.</p> <p>Side & Rear accessory structure: 10 ft.</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions)</p> <p>Accessory Structures Height: 1 1/2 stories</p> <p>Maximum Building Coverage: 10%</p> <p>Impervious coverage: 20%</p>

Table C - 3.5 Residential District (R)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Minimum Lot Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures (see §5.2, 5.3)</p> <p>Communications Antenna, Equipment Building (see §4.9)</p> <p>Cultivation of Crops & Home Gardening - no permit req'd.</p> <p>Essential Services (see definition) - permit not req'd.</p> <p>Forestry Activities - no permit req'd.</p> <p>Group & Family Child Care Homes (see §4.7)</p> <p>Group Home (see §4.11)</p> <p>No Impact Home Based Business (see § 4.20)</p> <p>Recreation, Indoor including Entertainment Facility, Museum</p> <p>Single Family Dwelling, Seasonal Dwelling</p> <p>Two Family Dwelling, Duplex</p>	<p>Bed & Breakfast (see §4.6)</p> <p>Child Care and Adult Day Care Center (see §4.7)</p> <p>Home Based Business (see §4.12)</p> <p>Kennel (see §4.4)</p> <p>Multiple Family Dwelling (see §4.15)</p> <p>Professional Office, Professional Office Group</p> <p>Public Park</p> <p>Public and Quasi-Public Uses</p> <p>Public Service Facility</p> <p>Restaurant, Hotel or Motel, Convenience Market</p> <p>Retail, Bank, Wholesale, Printing or Non-Automotive Service or Repair</p>	<p>Minimum lot areas per principal structure or use:</p> <p>2 acres (public sewer & water)</p> <p>1 acre (public sewer or water)</p> <p>Minimum lot width per principal structure or use:</p> <p>150 ft. (public sewer or water)</p> <p>125 feet (public sewer & water)</p> <hr/> <p>A larger minimum lot may be required based on DEP requirements in the event that public sewer is not available</p>	<p>Front: 75 feet from road centerline or 50 feet from right-of-way, whichever is greater</p> <p>Side: 25 feet total; no less than 10 ft each side</p> <p>Rear: 40 feet for principal structure</p> <p>15 feet from any accessory structure</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions)</p> <p>Accessory Structures Height: 15 feet</p> <p>Maximum Building Coverage: 20%</p> <p>Maximum Impervious Coverage: 40%</p>

Table D - 3.5 Village District (V)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Conditional Uses (see §4.1 & Article 15)	Minimum Lot Area Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures (see §5.2 & 5.3)</p> <p>Cluster Subdivision (see §4.8)</p> <p>Communications Antenna, Equipment Building (see § 4.9)</p> <p>Cultivation of Crops & Home Gardening (permit not req'd.)</p> <p>Essential Services (see definition) - permit not req'd.</p> <p>Forestry Activities (permit not req'd.)</p> <p>Group & Family Child Care Homes (see §4.7)</p> <p>Group Home (see §4.11)</p> <p>No Impact Home Based Business (see § 4.20 -permit not req'd.)</p> <p>Professional Office, Professional Office Group</p> <p>Recreation, Indoor including Entertainment Facility, Museum</p> <p>Single Family Dwelling, Seasonal Dwelling</p> <p>Two-Family Dwelling</p>	<p>Bed & Breakfast (see §4.6)</p> <p>Child Care and Adult Day Care Center (see §4.7)</p> <p>Home Based Business (see §4.12)</p> <p>Home Occupation (see § 4.13)</p> <p>Kennel (see §4.4)</p> <p>Medical Offices, Clinic, Surgery Center Multiple Family Dwelling (see §4.15)</p> <p>Public Park</p> <p>Public or Quasi-Public Use</p> <p>Public Service Facility</p> <p>Restaurant, Hotel or Motel, Convenience Market</p> <p>Retail, Banks, Wholesale, Printing or non- Automotive Service or Repair Business</p>	<p>Institutional Residence (see §4.15)</p> <p>Mobile Home Park (see §4.19)</p> <p>Multiple Family Dwelling Development (see §4.15)</p> <p>Townhouses (see §4.25)</p>	<p>Minimum lot area per principal structure or use:</p> <p>Public Sewer & Water- 1 acre Public Sewer or Water- 2 acres</p> <p>Minimum lot width per principal structure or use: 150 ft</p> <hr/> <p>A larger minimum lot may be required based on DEP requirements in the event that public sewer is not available</p>	<p>Front: 75 feet from road centerline</p> <p>Side: 25 feet total; no less than 10 ft. each side</p> <p>Rear: 40 feet for Principal Structure; 15 feet for accessory structure</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions)</p> <p>Accessory Structures Height: 1 1/2 stories</p> <p>Maximum Building Coverage: 20%</p> <p>Maximum Impervious coverage: 40%</p>

3.9 Township Road Designations

The township is permitted to designate certain Township roads as snowmobile and ATV roads under the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 PA. C.S. *7701, et seq., and any amendments thereto and regulations adopted thereunder (the “Act”), and believe that allowing the operation of ATV’s and Snowmobiles, on Township roads will not be detrimental to the public interest or safety.

3.9.1 – The roads designated by this Ordinance shall be posted in the manner required by the Act and the Pennsylvania Vehicle Code.

3.9.2 – No ATV may be operated on any Township Road which has not been designated a Snowmobile or ATV road pursuant to this Ordinance and which has not been posted with signs in accordance with the requirements of law.

3.9.3 – No ATV shall be operated on any road designated by this Ordinance except in compliance with the applicable provisions of the Act, including, but not limited to, those provisions regulating registration, operation and equipment.

3.9.4 – The provisions of this Ordinance shall not be deemed to limit or prohibit any other legal activity upon the designated roads. The designated roads shall remain open for vehicular and other use by the public as permitted by law.

3.9.5 – As to any road designated herein which is a boundary road with respect to which another municipality shares control, any permission to operate ATVs created herein shall be void, absent the grant of authority by the other municipality having authority.

3.9.6 – Any person violating the provisions of this Ordinance or the provisions of the Act and regulations adopted pursuant thereto, shall be guilty of a summary offense and shall, upon conviction, be sentenced in accordance with the provisions of applicable law to such fines and other penalties as provided for therein including but not limited to, those specifically set forth in the Act.

3.9.7 – Amendments to the Pennsylvania Vehicle Code and the Act, as may be enacted by the Pennsylvania legislature and which relate to and modify any provisions of this Ordinance shall be deemed incorporated into this Ordinance by reference on the effective date of said legislative act without further official action of the Township so as to preserve the intent and proper enforcement of this Ordinance.

3.9.8 – No liability shall be imposed on Nippenose Township as a result of designating these Township roads as ATV and Snowmobile roads.

3.9.10 – Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

3.10 Floodplain Management

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Below, this complete ordinance is summarized to provide its title, purpose(s), key regulations, and enforcement. **You may view the complete ordinance in office or provided on our website.**

3.10.1 – This ordinance shall be known, and may be cited, as the “Nippenose Township Floodplain Management Ordinance”.

3.10.2 – This ordinance is enacted for the following purpose(s):

3.10.2.1 – Promote the general health, welfare, and safety of the Municipality.

3.10.2.2 – Encourage the utilization of appropriate construction practices in order to prevent or minimize Flood damage in the future.

3.10.2.3 – Minimize danger to public health by protecting water supply and natural drainage.

3.10.2.4 – Reduce financial burdens imposed on the Municipality, its governmental units, and its residents, by preventing excessive Development in areas subject to Flooding.

3.10.2.5 – Comply with federal and state floodplain management requirements.

3.10.2.6 – Establish minimum requirements for floodplain management.

3.10.3 – Applicability:

3.10.3.1 – It shall be unlawful for any Person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or Development anywhere within the Municipality unless a Floodplain Development Compliance Certificate has been obtained from the Floodplain Administrator.

3.10.4 – This Ordinance supersedes any other conflicting provisions which may be in effect in Identified Floodplain Areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

3.10.5 – The degree of Flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger Floods may occur, or Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any Identified Floodplain Areas, or that land uses permitted within such areas will be free from Flooding or Flood damages.

This Ordinance shall not create liability on the part of the Municipality or any officer or employee thereof for any Flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

ARTICLE 4 Supplemental Use Criteria

4.1 General Criteria

In addition to the specific supplemental use criteria identified for uses within this article, the following general criteria shall apply to all use applications under this Ordinance.

- 4.1.1 – Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 5 for supplemental regulations that may apply.
- 4.1.2 – The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.
- 4.1.3 – A proposed use shall be located so as not to hinder the natural or presumed development of the area or detract from the value of existing development.
- 4.1.4 – A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations.
- 4.1.5 – It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location.
- 4.1.6 – The use or adaptation of a structure or lot for a new use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board.
- 4.1.7 – In the event central sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. In the event that central sewer and water facilities are not required under this Ordinance, DEP approved on-lot facilities shall be provided.
- 4.1.8 – Stormwater management facilities shall be provided which shall be designed to comply with the township's stormwater management regulations (Ordinance 2011-70) by providing controlled release, infiltration and recharge area; evidence of maintenance and liability responsibilities shall be provided. Stormwater management facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners.
- 4.1.9 – Compliance with the floodplain regulations of the Municipality and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.
- 4.1.10 – Permanent screening and landscaping shall be provided in accord with Section 5.13 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community.
- 4.1.11 – Lighting facilities shall be designed in accordance with Article 7 and to ensure that glare and direct illumination does not occur onto adjacent properties and roadways.
- 4.1.12 – Sites shall be designed and constructed in accord with the applicable Subdivision and Land Development regulations.
- 4.1.13 – Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 4.1.14 – Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated.

4.1.15 – All lots and buildings shall have access by way of an internal driveway or street system and shall have convenient emergency vehicle and equipment access.

4.2 Adult Uses

4.2.1 – Adult Uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.

4.2.1.1 – No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.

4.2.1.2 – In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.

4.2.1.3 – An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft² in size.

4.3 Agriculture and Agricultural Operations

When applicable the following criteria apply for Agriculture or Agricultural Operations:

4.3.1 Manure Storage Facilities – New or expanded manure storage facilities shall be constructed in accordance with 25 Pa. Code §83.351 through §83.39 (Subchapter D. Nutrient Management Act) and 25 Pa. Code §91.60 (Pollution Control and Prevention at Agricultural Operations), and any other applicable federal or state laws relating to said facility. The applicant shall provide documentation to the Zoning Officer that demonstrates compliance with the above-mentioned regulations, and/or federal and state laws.

4.3.2 Stormwater Requirements for New Agricultural Buildings – Applicants for new agricultural buildings shall submit a storm water management (SWM) site plan for approval in accord with the Nippenose Township Management Stormwater Management Ordinance No. 2011-70 unless qualifying for an exemption under that ordinance.

4.3.3 Truck Access – An application for a building exceeding 10,000 square feet in area shall also demonstrate that the roadways and intersections accessing the site are adequate for the type and size of trucks anticipated to serve the development. In addition, the building layout shall be designed to accommodate on site truck turning movements.

4.4 Animal Hospitals & Kennels – Animal Hospitals and Animal Kennels are to be conditioned upon, but not limited to, the following criteria:

4.4.1 – The applicant shall provide evidence of a kennel license from the PA Department of Agriculture prior to issuance of a zoning permit for this use.

4.4.2 – Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.

4.4.3 – Demonstration that all animals will be confined to the property.

4.4.4 – Demonstration of adequate methods for sanitation and sewage disposal.

4.4.5 Outdoor Runs – Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises, at least 400 feet from any public or quasi-public building, and at least 100 feet from any lot line.

4.4.6 Outdoor Runs – Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.

4.4.7 Site Plan – A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, buildings, runs, and other physical features, existing and proposed.

4.5 Automotive Car Wash, Repair Facility, Sales Facility, or Service Facility

An automotive car wash, repair facility, sales facility, or service facility may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing, or which may hereafter be enacted.

4.5.1 Entrance/Exit – No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.

4.5.2 Fuel Storage – Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

4.5.3 Fuel Storage – All fuel, oil, propane gas, or other similar substances shall be stored at least 30 feet from any street right-of-way or property line. Additional permits may be necessary to meet State requirements regarding storage tanks.

4.5.4 Repair Work – All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.

4.5.5 Body Work/Painting – Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain noise, vibrations, air emissions, and odor generated by the activity (See Section 5.9).

4.5.6 Automatic Car Wash Facilities – Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.

4.5.7 – No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.

4.5.8 – Screening or landscaping shall be provided in accordance with Section 5.13 when this use is adjacent to residences, churches or similar uses.

4.6 Bed and Breakfast

4.6.1 Intent – A Bed and Breakfast shall provide temporary travelers' accommodations and meals in a single-family residence for a fee, on a daily or weekly room rental basis.

4.6.2 Standards –

4.6.2.1 – Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

4.6.2.2 – Off-street parking shall be provided in accordance with Article 9. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

4.6.2.3 – All necessary state and municipal permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

4.6.2.4 – Room rentals to families or individuals shall not exceed 14 consecutive days.

4.6.2.5 – Compliance with the sign regulations of Article 8 shall be maintained.

4.7 Child Care and Adult Day Care Centers, Group and Family Child Care Homes

4.7.1 – The facility shall be located in an area that is free from conditions dangerous to the physical and moral welfare of children or adult clientele.

4.7.2 – The applicant shall provide a copy of the license or registration issued or required by PA Dept. of Human Services for the facility. If on-lot sewage facilities are to be utilized the Township Sewage Enforcement Officer shall provide evidence of Adequate sewage facilities for the use.

4.7.3 – A site plan shall also be provided, drawn to scale, and clearly showing the following:

4.7.3.1 – The dimensions and acreage of the site and its relationship to surrounding properties.

4.7.3.2 – The layout of the entire project including the proposed use and location of all buildings.

4.7.3.3 – The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.

4.7.3.4 – The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.

4.7.3.5 – The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.

4.7.3.6 – The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.

4.7.3.7 – The location of existing and proposed utility lines, water courses and drainage lines and easements.

4.7.3.8 – Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

4.8 Cluster Subdivision in the Village District

4.8.1 Statement of Purpose – Cluster subdivision is an optional form of development which allows the developer more choices of housing type and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the applicable Subdivision and Land Development Ordinance and shall be acted on within the time limits set forth in Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The approval for a Cluster Subdivision use for a tract of land shall in no way

automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, County, State, or Federal Government.

4.8.2 Applications for Cluster Subdivision Development in the Village District – Any developer who desires to initiate a Cluster Subdivision shall apply to the Township through the Zoning Officer accompanied by:

4.8.2.1 – Location map showing the project in relation to the surrounding area;

4.8.2.2 – Sketch plan showing:

4.8.2.2.1 – Property lines and easements with dimensions and area;

4.8.2.2.2 – Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;

4.8.2.2.3 – The building types, sections, floor plan, and site sections to clearly define the character of the project; the Township Supervisors may require a model if deemed necessary;

4.8.2.2.4 – Topographic information showing existing features, conditions, and proposed grading;

4.8.2.2.5 – Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and

4.8.2.2.6 – Existing streets, showing access to the project, proposed roads and parking layout with dimensions.

4.8.2.3 – Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and

4.8.2.4 – Written information regarding the following:

4.8.2.4.1 – The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;

4.8.2.4.2 – Whenever applicable, documents indicating compliance and approval of mandated Township, County and State statutes or other laws shall be obtained and submitted as part of the application.

4.8.3 Criteria for Granting Approval for Cluster Subdivision – The approval for a cluster subdivision shall only be granted if evidence is presented that:

4.8.3.1 – The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Township Comprehensive Plan, this section and the applicable Subdivision and Land Development regulations;

4.8.3.2 – The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

4.8.3.3 – The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection; drainage structures, refuse disposal, water and sewers and schools;

4.8.4 General Provisions

4.8.4.1 Minimum Tract Size – The minimum tract size for a cluster subdivision shall be 10 acres.

4.8.4.2 Density – The gross density of a cluster subdivision shall not exceed five (5) dwelling units per acre. For cluster subdivisions, the Village will determine the number of units allowable on a parcel by multiplying the gross area permitted times 5 units/acre, which equals total number of dwelling units.

4.8.4.3 Types of Dwelling Units – Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this Article. All units in a cluster subdivision must be proposed and for sale only.

4.8.4.4 Permitted Lot Area Reductions – For cluster subdivisions single one-family detached and two-family dwellings may be reduced 50% from the minimum lot size required for the Village district. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit.

4.8.4.5 Yard Dimensions –

4.8.4.5.1 – Minimum Yards for Single Family Detached and Double Dwellings:

- Front: 25 ft.
- Side: 0 ft.
- Rear: 10 ft.

4.8.4.5.2 – Townhouses and Multi-Family Buildings: All buildings shall be a minimum of 20 ft from driveways and parking lots.

4.8.4.5.3 – The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

4.8.4.6 Landscaped Buffer Areas – Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Zoning Hearing Board. Also, refer to the Screening and Landscaping regulations found in Section 5.13.

4.8.5 Special Housing Qualifications

4.8.5.1 Townhouse Group – No more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

4.8.5.2 Spacing of Structures – Minimum distances between structures shall be:

Structure Type	Distance
Single Family Detached	10 feet
Double Dwelling	20 feet
Townhouse	40 feet between buildings
Multi-Family Dwelling	40 feet between buildings

4.8.6 Garages and Accessory Buildings – Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principal structure and that a minimum front building line of 25 ft. is maintained.

4.8.7 Impervious Coverage – The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

4.8.8 Maximum Building Height – Thirty-five (35) feet.

4.8.9 Miscellaneous Regulations –

4.8.9.1 Utilities – Public or community sewer and water facilities shall be provided.

4.8.9.2 Off-Street Parking – See Off-Street Parking and Loading Regulations in Article 9.

4.8.9.3 Sign Regulations – See the regulations for Signs in Article 8.

4.8.9.4 Fence Regulations – See the regulations for Accessory Structures in Article 5.

4.8.9.5 Automobile Trailers and Mobile Homes – Shall not be permitted in a Cluster Subdivision.

4.8.10 Open Space Requirements –

4.8.10.1 – Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

4.8.10.2 – Common open space may only be dedicated to public use as approved by the Board of Supervisors. The Board of Supervisors reserves the right to deny dedication of open space.

4.8.10.3 Private Ownership – When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public Township, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended.

Covenants or other legal arrangements shall:

- Obligate purchasers to participate in a homeowner’s association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
- Obligate such an association to maintain open areas and private streets and utilities.
- Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.
- Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to ensure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will

be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

- Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Township.

4.9 Communications Antennas, Communication Equipment Buildings, and Communications Towers

This regulation is intended to control communication towers as defined in this Ordinance, and all other similar uses or structures shall be in accordance with this Section, and in addition, the following criteria shall apply:

4.9.1 – Building mounted Communications Antennas shall not be permitted on any single family or two-family dwelling.

4.9.2 – Structure mounted Communication Antennas shall be permitted to exceed the height of the structure to which the antenna is attached by no more than twenty (20) feet.

4.9.3 – Omnidirectional or whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

4.9.4 – Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.

4.9.5 – Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

4.9.6 – Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.

4.9.7 – Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas can be accomplished.

4.9.8 – Communication Antennas shall not cause radio frequency interference with other communication facilities located in the Township.

4.9.9 – A Communication Equipment Building shall be subject to the height and setback requirements of the Zoning District for an accessory structure.

4.9.10 – The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable, and Communication Antennas.

4.9.11 – The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

4.9.12 – Communication Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

4.9.13 – The applicant proposing construction of a new Communication Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building or Communication Tower. A review within a one-quarter (¼) mile radius of the proposed Communication Tower site be contacted and that none (0) or more of the following reasons for Structure apply:

4.9.13.1 – The proposed antenna and related equipment would exceed the structural capacity of the existing Structure, and its reinforcement cannot be accomplished at a reasonable cost.

4.9.13.2 – The proposed antenna and related equipment would cause radio frequency interference with other existing equipment at a reasonable cost. Structure and the Interference cannot be prevented at a reasonable cost.

4.9.13.3 – Such existing Structures do not have adequate locations, space, access or height to accommodate the proposed equipment or allow it to perform its intended function.

4.9.13.4 – Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

4.9.13.5 – A reasonable agreement could not be reached with the owner of such Structures.

4.9.14 – Access shall be provided to the Communication Tower and Communication Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width.

4.9.15 – A Communication Tower may be located within a lot meeting the minimum size requirements for the Zoning District.

4.9.16 – Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevation drawings for determining compliance with all applicable provisions of this ordinance.

4.9.17 – Any applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

4.9.18 – The foundation and base of any Communication Tower shall be set back from a property line (not lease line) at least 120% of the Tower height.

4.9.19 – The base of the Communications Tower shall be landscaped to screen the foundation and Communications Equipment Building from abutting properties.

4.9.20 – The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communication Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Support Structures, published by the Electrical Industrial Association/Telecommunication Industry Association and any applicable Building Code.

4.9.21 – The applicant shall submit a copy of its current Federal Communication Commission license; the name, address and emergency telephone number for the operator of the Communications Tower, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communication Antennas.

4.9.22 – All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level to always be visible and shall be located within a fenced enclosure.

4.9.23 – The site of a Communication Tower shall be secured by a fence with a height of eight (8) feet.

4.9.24 – No signs or lights shall accessibility to the general public be required by the Federal mounted on a Communications Tower, except as may Administration or another governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum necessary for application. During nighttime hours only red lights may be utilized.

4.9.25 – The preferred tower design is for a monopole of color that blends with the landscape. The second priority is for a lattice or truss tower that is engineering to collapse into itself or a structural failure.

4.9.26 – Communications Towers shall be protected and maintained to accordance with the requirements of any applicable Building Code.

4.9.27 – If a Communication Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration or removal of a Communication Tower in the event the owner or operator fails to perform the removal. This shall be noted on all subdivision or land development plans.

4.9.28 – One off street parking space shall be provided within the fenced area.

4.10 Contractor Yard

Land that is used for the storage and maintenance of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business.

4.10.1 – This use shall only be permitted in conjunction with the contractor's own residence.

4.10.2 – The minimum lot size for a contractor yard shall be three acres.

4.10.3 – Land development and stormwater plans will be required for new building or lot coverage in accordance with the Nippenose Township Stormwater Management Development regulations and Land Ordinance No. 2011-70 unless qualifying for an exemption under that ordinance.

4.10.4 – A contractor's equipment may be stored outdoors or within an equipment building. For outdoor storage a screening or landscape plan in accordance with Section 5.13 shall be required when within 200 feet of adjacent residential use.

4.10.5 – Outdoor lighting and signs are authorized in accordance with Article 7 and 8 respectively.

4.10.6 – Provision for off-street parking shall be made in the event of employee parking on the premises.

4.10.7 – The retail or wholesale of goods from the premises is not authorized.

4.11 Group Home

4.11.1 – The Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g., counseling services), and other similar non-residential activities shall be excluded from this use.

4.11.2 – The Group Home shall maintain a residential neighborhood character.

4.11.3 – The Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

4.11.4 – The Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

4.11.5 – Off-street parking spaces shall be provided for all vehicles associated with the Group Home including those of the household, residents, attendant caregivers, and visitors (see Article 9).

4.12 Home-Based Business

A Home-Based Business is conducted on a lot in conjunction with a residential dwelling unit or a farm dwelling. Such uses include baking and catering, lawn mower repair, appliance repair shops; bike shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

4.12.1 – The Home-Based Business shall be compatible with the residential character of the dwelling or the immediate vicinity. The Home-Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

4.12.2 – A Home-Based Business may be conducted inside the dwelling or within an accessory building or garage but shall not occupy an area exceeding 60 percent of the ground floor area of the dwelling.

4.12.3 – The business shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.

4.12.4 – All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of residential use.

4.12.5 – The Home-Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home-Based Business.

4.12.6 – No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

4.13 Home Occupations

A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met, and a permit is issued by the Zoning Officer.

4.13.1 – The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 4 sq. ft. (see Section 8.3.1).

4.13.2 – Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.

4.13.3 – The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1000) square feet. The floor area standards shall not apply to family day care homes.

4.13.4 – All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of residential use.

4.13.5 – The sale of goods shall be secondary to the occupation or service provided.

4.13.6 – Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

4.14 Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Facility

4.14.1 – Minimum Lot Area: 10 acres

4.14.2 – Minimum Lot Width: 400 ft.

4.14.3 – Minimum Yards: Perimeter

- Front: 80 ft.
- Side: 40 ft.
- Rear: 40 ft.

4.14.4 Minimum Yards – Internal Streets and Driveways 15 ft.

4.14.5 – Copies of all applicable local, state and federal licenses shall be furnished with the application for Special Exception.

4.15 Institutional Residences, Multiple-Family Dwellings and Multiple-Family Dwelling Developments

4.15.1 Multiple-Family Dwellings –

4.15.1.1 – Multiple-Family Dwellings, including both new construction and the conversion of an existing dwelling per structure shall be limited to one multiple-family dwelling per lot and shall meet the minimum lot area and maximum height and lot coverage standards for the applicable district (see §3.6 - §3.8). Newly constructed multiple-family dwellings and existing structure alterations shall also meet the minimum yard requirements of the district in which they are located.

4.15.1.2 – There shall be no more than 4 units per structure for this use.

4.15.1.3 – The applicant for this use shall demonstrate compliance with the applicable building codes to receive an approval.

4.15.1.4 – Sewer and water facilities shall be by connection to municipal systems, or an on-lot sewage permit secured prior to any approval for this use.

4.15.1.5 – All parking spaces shall be off-street in accordance with Article 9.

4.15.2 Institutional Residences and Multiple-Family Dwelling Developments –

4.15.2.1 – Minimum Lot Area: 3 acres

4.15.2.2 – Maximum Gross Density for Multi-family Dwelling: 5 dwelling units per acre

4.15.2.3 – Minimum Lot Width: 300 ft.

4.15.2.4 – Minimum Perimeter Yards

- Front: 50 ft.
- Side: 20 ft.
- Rear: 30 ft.

4.15.2.5 – Minimum Building Separation: 30 ft.

4.15.2.6 – Water and Sewage Facilities: The development must be served by central water and central sewage facilities.

4.16 Junk Yard or Salvage Yard

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the following:

4.16.1 – Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a twenty-five (25) foot buffer yard and/or landscaping as set forth in Section 5.13 of this Ordinance shall be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

4.16.2 – Such premises shall always be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

4.16.3 – No garbage or other organic waste shall be stored in such premises.

4.16.4 – All junk shall be stored or arranged to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility and shall not exceed a maximum height of eight (8) feet.

4.16.5 – No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be always controlled.

4.16.6 – No junk material, accessory structure, related activity or other enclosure shall be stored, placed, located or conducted within twenty-five (25) feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. The applicant shall be required to prepare and submit a Soil and Sedimentation Control Plan and NPDES Permit application for this facility.

4.17 Manufacturing, Warehousing, Laboratory Uses

4.17.1 – These uses shall abut or provide direct access to a highway which can accommodate heavy trucks and industrial employee and related traffic.

4.17.2 – At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.

4.17.3 Manufacturing, Uses, and Storage of Hazardous Materials – Manufacturing uses, generating noise, smoke or odor, radioactivity, toxic or poisonous materials in buildings or construction methods as required for sound absorption, municipal critical dimensions screening may be required.

4.17.4 Land Development Standards – Land development plans shall be required showing all structures, roadways, parking areas, service drives, loading docks, exterior lighting installations and landscaping on the site; drainage and stormwater management facilities and access roads within two hundred (200) feet of the site boundaries, location of proposed sewage disposal system and other elements as maybe deduced by the Board of Design Standards.

4.17.5 Site Access, Circulation and Parking –

4.17.5.1 Access – All proposed site accessways must be adequate, but not excessive, and not located too close to street intersections. Additional schools or pedestrian crossings should be avoided where possible. In PennDOT's review, when access is developed along a state highway, any permits required by PennDOT for access to the land development plan shall be obtained prior to approval of the plan.

4.17.5.2 Circulation and Parking – The interior circulation system must provide safe and easy access by driveways within the site. See Article 8 for additional requirements.

4.17.5.3 Streets and Commercial/Industrial Driveway System Requirements – All structures directly abutting a public street or constructed onto a street in accordance with the Township No. 1 Nippon Township Stormwater Management ordinance.

4.17.5.4 Arrangement of Buildings – Adequate provisions must be made for light, air, access, and privacy in the arrangement of the buildings or community.

4.17.5.5 Sewer and Water Facilities – Sewer and water facilities must be available; provided by the developer or the community. Proper approvals for proposed systems must be presented to the Planning Commission prior to approval.

4.17.5.6 Grading and Ground Cover (Soil Erosion and Sedimentation Control Plan) – Evidence of an approved Erosion and Sedimentation Control Plan and NPDES permit(s) must be submitted with the application.

4.17.5.7 Landscaping – A landscaping plan shall be prepared as part of the land development application which enhances the natural qualities of the land while providing screening between separate parcels of land and adjoining property or land uses. See Section 5.3.1, Screening and Landscaping.

4.17.5.8 Loading and Unloading – All required loading and unloading facilities and off-street parking areas shall be provided and designed in accordance with Article 9, Off Street Parking.

4.17.5.9 Solid Waste Collection and Disposal – The Developer shall present information describing the proposed method of solid waste collection and disposal.

4.17.5.10 Outdoor Lighting – All outdoor lighting and such facility shall be non-animated and consistent with the standards of Article 7, Exterior Lighting Standards.

4.18 Medical Marijuana Grower/Processor

4.18.1 – A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance, and other features required by the Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

4.18.2 – The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana-related materials and equipment used in production and cultivation or for required laboratory testing.

4.18.3 – There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

4.18.4 – The grower/processor may only sell wholesale medical marijuana products to other medical marijuana growers and processors. Retail sales are prohibited at medical marijuana grower/processor facilities.

4.18.5 – Grower/processors may not locate within 1,000 feet of the property line of a public, private or parochial school or day-care center.

4.18.6 – All external lighting serving a medical marijuana grower/processor must be designed in such a manner to not allow light to be emitted skyward or onto adjacent properties.

4.18.7 – Parking requirements will follow the parking schedule found in Section 9.1.2 Off-Street Parking Regulations for the Manufacturing use category.

4.18.8 – A buffer is required where a medical marijuana grower and processor is located or district.

4.18.9 – Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

4.18.10 – Loading and off-loading areas within the structure are preferred. An external loading arrangement is designed to be from within a secure environment.

4.19 Mobile Home Park

4.19.1 Minimum Park Area – The minimum park area required is 2 acres.

4.19.2 Minimum Lot Width – Each lot within the mobile home park must have a minimum width of 200 feet.

4.19.3 Maximum Gross Site Density – The maximum number of dwelling units allowed per acre in the mobile home park is 5.

4.19.4 Minimum Building Separation – All mobile homes should be separated by at least 50 feet from auxiliary park buildings.

4.19.5 Minimum Yards for Site Perimeter – The minimum yard requirements are as follows:

- Front Yard: 25 feet, but not less than 50 feet from the road centerline.
- Side Yard: 50 feet.
- Rear Yard: 50 feet.

*Minimum side and rear yards may be reduced to 25 ft. when screening in accord with Section 5.13 is provided

4.19.6 Mobile Home Park - Individual Lots –

4.19.6.1 Minimum Lot Area – 6,000 sq. ft.

4.19.6.2 Minimum Lot Width – 50 ft.

4.19.6.3 Minimum Yards –

- Front: 20 ft.
- Side: 10 ft.
- Rear: 10 ft.

4.19.7 Water and Sewage Facilities – The development must be served by central water and central sewage facilities.

4.19.8 Recreation Space Requirements – A minimum of twenty (20) percent of the gross park area shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be readily accessible to all mobile home lots. The plans and application for a mobile home park shall show the proposed recreational facilities to be provided and explain the maintenance of such recreation space.

4.20 No Impact Home Based Business

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 or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

4.21 Oil and Gas Well Development and Related Facilities

4.21.1 Purpose – The purpose of this Part is to provide for the health, safety and welfare of the residents of the Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Township.

The Township acknowledges that it is preempted from enacting or enforcing ordinances that impose conditions, requirements or limitations on the same features of oil and gas operations regulated in Chapter 32 of Act 13 or that accomplish the same purposes set forth in Chapter 32 of Act 13. In addition, the Township acknowledges that environmental acts are of statewide concern and operations are regulated by the environmental acts. This Part is intended to comply with such preemptive restrictions.

4.21.2 Criteria for Specific Activities –

4.21.2.1 Pipeline Construction and Seismic Operations – Pipeline construction and seismic operations shall be a permitted use within all zoning districts; provided, that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.

4.21.2.2 Natural Gas Compressor Stations, Processing Plants, Metering Station –

4.21.2.2.1 – Proposed structures must be located 750 feet or more from the nearest existing building or 350 feet from the nearest lot line, whichever is greater, unless waived, in writing, by the owner of the building or adjoining lot.

4.21.2.2.2 – Proposed structures must be located 350 feet from any public highway.

4.21.2.2.3 – Proposed structures must be located 1,000 feet from any school building, playground or hospital building, nursing home building, or park.

4.21.2.2.4 – The compressors are required to be enclosed in a building with doors.

4.21.2.2.5 – All lights located on any site shall be shielded, designed and directed in such a manner that they do not shine directly into adjacent properties. Also see Article 7, Exterior Lighting Standards.

4.21.2.2.6 – Generated by the compressor station does not exceed the applicable standard imposed by federal law. The applicant is required to provide documentation of this effect as part of this application.

4.21.2.2.7 – Written documentation of the steps the applicant will take to mitigate, or resolve impacts, whether temporary or permanent, specifically related to hazardous or noxious occurrences within the district or to any adjacent property.

4.21.2.2.8 – Natural gas compressor stations/buffering plants/ metering stations shall be operated in accordance with the requirements of Section 5.13 of this Ordinance.

4.21.2.2.9 – A written commitment shall be submitted with the Zoning Application stating that the site will be restored within 1 year following decommissioning.

4.21.2.3 Water Reuse Storage Facility, Water Withdrawal Facility –

4.21.2.3.1 – A written commitment shall be submitted with the zoning application stating that a complete site restoration within 1 year following the termination of production in accordance with PADEP regulations.

4.21.2.3.2 – Impoundments that are used solely for freshwater storage do not require a zoning permit.

4.21.2.3.3 – Water reuse storage facility shall be fenced and buffered from adjacent areas in accordance with the requirements of Section 5.13 of this Ordinance.

4.21.2.3.4 – Entrances and exits to any public access roads shall be a minimum of 50 feet from any intersection. All entrance driveways shall be paved for a distance of 50 feet from the public street to prevent stone, soil, and dust from being deposited on the public roadway.

4.21.2.3.5 – Adequate truck maneuvering and standing areas shall be provided for the anticipated traffic volumes at the site to not impact public roads in the vicinity.

4.21.2.4 Oil and Gas Development –

4.21.2.4.1 – These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of this Part.

4.21.2.4.2 – Any physical modification to an existing site materially altering the size, equipment, location or number of wells, or in the case of additional wells, notice under this Part.

4.21.2.4.3 – Permit fees will be based on the area of use of the well pad or the area to be disturbed by the well pad.

4.21.2.4.4 – Oil or gas wells are prohibited unless the outer edge of the well pad is at least 750 feet from an existing building.

4.21.2.4.5 – Repair or replacement of oil and gas pipelines, access roads and security fences, are prohibited from taking place within 750 feet of any existing building or facility.

4.21.2.4.6 – Oil and gas development shall be prohibited in any mapped floodway or flood fringe district.

4.21.2.5 Application Requirements – A zoning permit shall be required prior to the commencement of all new oil or gas development activity and for any existing activity that materially alter the size or location of the existing site or activity. The applicant shall provide the Township with the following information at the time of permit application:

4.21.2.5.1 – All information required on the zoning permit application;

4.21.2.5.2 – A narrative describing the proposed activity;

4.21.2.5.3 – The approximate number of acres to be disturbed for development;

4.21.2.5.4 – Applications, structures and buildings; for oil and gas activity including the proposed numbers of wells and gas activity applications; the DEP permit number(s) for any or all wells if available at the time of submission and provided when issued later;

4.21.2.5.5 – Identification and description of roads which will be used to access the site. When appropriate, furnish a copy of the excess maintenance agreement for any road with weight limits that will be used;

4.21.2.5.6 – A “site address” for the site in compliance with the Lycoming County 911 addressing system for emergency and safety services; and

4.21.2.5.7 – A copy of any DEP permits issued at the time of submittal, or PennDOT, including any municipal highway occupancy or driveway permits.

4.21.2.6 Floodplain Considerations –

4.21.2.6.1 – Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain (see Ordinance 2016-79).

4.21.2.6.2 – Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.

4.21.2.6.3 – Drilling associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are discouraged. Upon reasonable justification submitted by the applicant that the only suitable place on the property controlled by the applicant to access the gas or oil is from a site area located in the flood fringe segment of the regulated (or 100-year)

floodplain, a zoning permit may be issued by the Zoning Officer, provided that compliance is demonstrated with the floodplain regulations of the Township and upon submission of a flood evacuation plan.

4.22 Self-Storage Facility

4.22.1 – No residential use or business activity other than the self-storage units shall be permitted within the facility.

4.22.2 – The premises shall be used exclusively for the storage of personal property, goods and materials. No explosive, toxic, radioactive or highly flammable materials or substances shall be stored within the units.

4.22.3 – Limited Accessory Use – The sale of moving and storage supplies and the rental of moving trucks, clearly incidental to the primary use, shall be permitted out of the office of the self-storage facility.

4.22.4 – In connection with a Self-Storage Facility, currently licensed recreation vehicles may be stored outside on the premises, provided, that the portion of the premises dedicated to such use is at least 300 feet from any public road right-of-way, is in a separate fenced area and does not abut any residential use.

4.22.5 – A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Section 4.1.10, 4.1.11 and 4.1.12 respectively).

4.23 Shopping Center

4.23.1 – Minimum Lot Area: 10 acres

- Front: 80 ft.

4.23.2 – Minimum Lot Width: 400 ft.

- Side Abutting: 40 ft.

- Side Not Abutting: 20 ft.

4.23.3 – Minimum Yards:

- Rear Abutting: 40 ft.

- Rear Not Abutting: 20 ft.

4.23.4 – A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Section 4.1.10, 4.1.11 and 4.1.12 respectively).

4.24 Surface Mining

The applicant shall submit a site plan indicating areas that are proposed for excavation, proposed quarry and spoiling stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

4.24.1 – The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.

4.24.2 – This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.

4.24.3 – This use shall not be permitted within one hundred (100) feet of any cemetery or the bank of any stream.

4.24.4 – The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

4.24.5 Community and Environmental Impact Analysis – Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

4.24.5.1 – Hydrologic analysis and information;

- 4.24.5.2 – Information concerning geologic conditions;
- 4.24.5.3 – USDA - NRCS soils classification information;
- 4.24.5.4 – Information on mineral bearing areas;
- 4.24.5.5 – Land use analysis;
- 4.24.5.6 – Information regarding transportation impacts;
- 4.24.5.7 – Information regarding emergency and safety services;
- 4.24.5.8 – Economic impact analysis; and
- 4.24.5.9 – Air quality impact analysis.

4.25 Townhouses

4.25.1 Minimum Lot Area and Width –

Bedrooms	Max. Lot Area Per Unit	Max. Lot Width
1	1600 sq. ft.	18 ft
2	1800 sq. ft.	20 ft
3	2000 sq. ft.	22 ft
4	2200 sq. ft.	26 ft

4.25.2 Minimum tract size for a development – 3 acres

4.25.3 Maximum Gross Density – 5 dwelling units per acre

4.25.4 Minimum Building Lines –

- Front: 25 ft.
- Side: zero (between units)
- Rear: 30 ft.

4.25.5 Water and Sewage Facilities – The development must be served by central water and central sewage facilities.

4.26 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 15.2 of this Ordinance. In addition, the use may only be permitted if:

- 4.26.1 – It is similar to and compatible with the other uses permitted in the zone where the subject property is located;
 - 4.26.2 – It is not permitted in any other zone under the terms of this Ordinance; and
 - 4.26.3 – It in no way conflicts with the general purposes of this Ordinance.
- The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

4.27 Waste Facility or Waste Transfer Facility

4.27.1 – No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.

4.27.2 – All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the facility):

4.27.2.1 – Within 2 miles of a well or spring used for a community water supply;

4.27.2.2 – Within 2 miles of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;

4.27.2.3 – Within any 100-year floodplain or a larger area that the flood of record has inundated;

4.27.2.4 – Within any wetland area;

4.27.2.5 – Over any active or inactive oil or gas wells or storage areas;

4.27.2.6 – Over any formations of carbonate bedrock;

4.27.2.7 – Within 2 miles of any National Landmark or historic site as listed on the National Register of Historic Places;

4.27.2.8 – Within any Agricultural Security Area;

4.27.2.9 – In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;

4.27.2.10 – Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;

4.27.2.11 – Within 2 miles of any designated Aquifer Protection Area or Well-head Protection Area; or

4.27.2.12 – Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

4.27.3 Community and Environmental Impact Analysis – Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

4.27.3.1 – Hydrologic analysis and information;

4.27.3.2 – Information concerning geologic conditions;

4.27.3.3 – USDA - NRCS soils classification information;

4.27.3.4 – Information on mineral bearing areas;

4.27.3.5 – Land use analysis;

4.27.3.6 – Information regarding transportation impacts;

4.27.3.7 – Information regarding emergency and safety services;

4.27.3.8 – Economic impact analysis; and

4.27.3.9 – Air quality impact analysis.

4.27.4 Application Requirements – The Applicant shall submit the following information pertaining to the site or project:

4.27.4.1 – A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal;

4.27.4.2 – A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;

4.27.4.3 – A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;

4.27.4.4 – A statement of qualifications to operate a waste disposal facility;

4.27.4.5 – A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:

- Facility construction and maintenance procedures;
- Operating procedures and practices, the design of the facility and its associated activities;
- Monitoring procedures, practices and standards necessary to ensure safe operation of the facility;
- The services to be offered by the applicant to the community;
- The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
- Provisions for controlling odors and noise associated with this use;
- Provisions for renegotiations of any term, conditions or provision of the sitting agreement;
- Provisions for resolving any disagreements in the construction and interpretation of the sitting agreement that may arise between the parties;
- Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;
- Provision for direct monetary payments to the Township and special services to be provided for demonstrated adverse impacts;
- Provision to ensure health, safety, comfort, convenience and social and economic security of the township;
- Provision to assure the protection of environmental and natural resources;
- Provisions to compensate the borough, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes

4.28 Wind Energy Facility

4.28.1 Purpose – The purpose of the section is to provide for the construction and operation of Wind Energy Facilities in areas of Nippenose Township, subject to reasonable conditions that will protect the public health, safety and welfare.

4.28.2 Applicability –

4.28.2.1 – These regulations apply to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this Ordinance is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.

4.28.2.2 – Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

4.28.2.3 – No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within the areas of Nippenose Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.

4.28.2.4 – Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require permit modification.

4.28.3 Permit Application –

4.28.3.1 – The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.

4.28.3.2 – Among other things, the application shall contain the following:

4.28.3.2.1 – A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

4.28.3.2.2 – An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

4.28.3.2.3 – Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

4.28.3.2.4 – A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

4.28.3.2.5 – Documents related to decommissioning.

4.28.3.2.6 – Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.

4.28.3.3 – Within (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.

4.28.3.4 – Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public will be afforded an opportunity to ask questions and provide comment on the proposed project.

4.28.3.5 – Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will decide whether to issue or deny the permit application.

4.28.3.6 – Throughout the permit process, the Applicant shall promptly notify Township of any changes to the information contained in the permit application.

4.28.3.7 – Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

4.28.4 Design and Installation –

4.28.4.1 Design Safety Certification – The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

4.28.4.2 Uniform Construction Code – To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 - 405.142.

4.28.4.3 Controls and Brakes – All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4.28.4.4 Electrical Components – All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

4.28.4.5 Visual Appearance; Power Lines –

4.28.4.5.1 – Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

4.28.4.5.2 – Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

4.28.4.5.3 – Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

4.28.4.5.4 – On-site transmission and power lines between Wind Turbines shall, to the maximum extent practical, be placed underground.

4.28.4.6 Warnings –

4.28.4.6.1 – A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

4.28.4.6.2 – Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

4.28.4.7 Climb Prevention/Locks –

4.28.4.7.1 – Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

4.28.4.7.2 – All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

4.28.5 Setbacks –

4.28.5.1 Occupied Buildings –

4.28.5.1.1 – Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the normal setback requirements for that zoning classification or 1.2 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

4.28.5.1.2 – Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

4.28.5.2 – Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.2 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

4.28.5.3 – Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

4.28.6 Alteration of Setbacks –

4.28.6.1 – Property owners may alter the setback requirements in Section 4.27.5.1.2 (Occupied Buildings on Non-participating Landowner's property) and Section 4.27.5.2 (Property Lines) by signing a document that sets forth the applicable setback provision(s) and the proposed changes.

4.28.6.2 – The written document shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.

4.28.6.3 – Any such document shall be recorded in the Recorder of Deeds Office for Lycoming County. The document shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the setback alteration shall run with the land and may forever burden the subject property.

4.28.6.4 – Upon application, the Township may alter the setback requirement for public roads for good cause.

4.28.7 Use of Public Roads –

4.28.7.1 – The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

4.28.7.2 – The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

4.28.7.3 – The Township may bond the road in compliance with state regulations.

4.28.7.4 – Any road damage caused by the applicant, or its contractors shall be promptly repaired at the applicant's expense.

4.28.7.5 – The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

4.28.8 Local Emergency Services –

4.28.8.1 – The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

4.28.8.2 – Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

4.28.9 Noise and Shadow Flicker –

4.28.9.1 – Audible sound from a Wind Energy Facility shall not exceed fifty (50 dBA), as measured Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equivalent to or exceed standards described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: Operator.

4.28.9.2 – The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

4.28.10 Waiver of Noise and Shadow Flicker Provisions –

4.28.10.1 – Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.

4.28.10.2 – The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Wind Energy Facility.

4.28.10.3 – Any such waiver shall be recorded in the Lycoming County Recorder of Deeds Office. The waiver shall describe the properties benefited and burdened and advise that the waiver of sound or flicker limits purchases of the burdened property forever burdens the subject property.

4.28.11 Signal Interference – The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

4.28.12 Liability Insurance – There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

4.28.13 Decommissioning –

4.28.13.1 – The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Turbines within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbine Turbines. The Wind Energy Facility or individual Wind Turbines will be presumed at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

4.28.13.2 – Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches below ground level, and any other associated facilities.

4.28.13.3 – Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

4.28.13.4 – An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

4.28.13.5 – The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs: Provided, that at no point shall posted and maintained Decommissioning Funds be less than twenty five percent (25%) of the estimated Net Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township.

4.28.13.6 – Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

4.28.13.7 – If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 4.27.13.1, then the landowner shall have six (6) months to complete decommissioning.

4.28.13.8 – If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 4.27.13.1 and 4.27.13.7, then the Township may take such measures as necessary to complete decommissioning and may take such action as necessary to implement the decommissioning plan.

4.28.13.9 – The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

4.28.14 Public Inquiries and Complaints –

4.28.14.1 – The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

4.28.14.2 – The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

4.28.15 Remedies –

4.28.15.1 – It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance.

4.28.15.2 – If the Township determines that a violation of the Ordinance or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the

Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

4.28.15.3 – If after thirty (30) days from the date of the notice of violation the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

4.29 Solar Energy Development

4.29.1 Relationship to Other Requirements – The provisions, regulations, limitations and restrictions of this Section 4.29 shall supersede all provisions, regulations, limitations and restrictions of this Ordinance that are in conflict with the provisions, regulations, limitations and restrictions set forth in this Section 4.29. To the extent that a provision, regulation, limitation or restriction is not specifically referenced in or regulated by this Section 4.29, then the applicable provisions, regulations, limitations and restrictions of this Ordinance, as applicable, shall govern.

4.29.2 Requirements – Notwithstanding any provision of this Ordinance to the contrary, all Solar Energy Developments shall comply with the following requirements:

4.29.2.1 Solar Energy System Design and Installation

4.29.2.1.1 Design Safety Certification – The design of the Solar Energy Development at all times shall conform to all applicable industry standards, including those of the American National Standards Institute.

4.29.2.1.2 Uniform Construction Code – To the extent applicable, the Solar Energy Development shall comply with the Pennsylvania Uniform Construction Code, 34 Pa Code §§ 403.1 – 403.142.

4.29.2.1.3 Electrical Components – All electrical components of the Solar Energy Development shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

4.29.2.1.4 Noise – Noise emitted from Solar Energy Development equipment shall not exceed 60 dBa, measured at the exterior lot lines of the Solar Energy Development.

4.29.2.1.5 Non-Interference – The Solar Energy Development shall not cause any radio frequency interference with consumer appliances.

4.29.2.2 Solar Energy Development Site

4.29.2.2.1 Participating Landowner(s) and Land – The Solar Energy Development shall be permitted to be located on one or more lots or tax parcels under single or multiple ownership so long as the Applicant provides written authorization from the owner(s) of all lots or tax parcels on which the Solar Energy Development will be located.

4.29.2.2.2 Plan Approval – Subdivision plan approval shall not be required when a Solar Energy Development is located on a leased area that is more or less than the entire lot or tax parcel or tax parcels. A land development plan approval shall be required for a Solar Energy Development.

4.29.2.2.3 Required Fencing and Minimum Setbacks –

4.29.2.2.3.1 – All solar panels, batteries, storage cells, substations, inverters and supporting mechanical equipment necessary for the operation of the Solar Energy System, which are not enclosed within a building, as well as all internal open space and circulation areas

between rows of panels shall be enclosed within a perimeter security fence with a minimum height of six (6) feet.

4.29.2.2.3.2 – All buildings and required fenced areas shall be set back at least:

4.29.2.2.3.2.1 – 25 feet from occupied principal buildings located on lots on which the Solar Energy Development is located, but which occupied principal buildings are not part of the Solar Energy Development;

4.29.2.2.3.2.2 – 50 feet from lot lines of adjoining lots with existing dwellings on which the Solar Energy Development is not located. These setback requirements, as well as any yard or setback requirements of the underlying zoning district are not applicable to any interior lot line or property line of a lot on which the Solar Energy Development is located and bisecting the Solar Energy Development site.

4.29.2.2.4 – Maximum Lot/Impervious Coverage – Except as noted herein, the areas beneath individual solar panels are considered pervious (i.e., not impervious surface). All supporting foundation systems for the solar panels, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars shall be considered impervious surface. The maximum lot/impervious coverage of a Solar Energy Development shall be thirty-five percent (35%) as measured across all lots collectively comprising the Solar Energy Development.

4.29.2.2.5 Access and Parking

4.29.2.2.5.1 A minimum 10-foot-wide gravel access drive shall be provided within a minimum 20-foot-wide access easement connecting the Solar Energy Development to a street or road so as to ensure adequate emergency and service access is provided. Internal circulation aisles installed for onsite circulation between the rows of solar panels within the Solar Energy Development shall be at least 10-feet wide and shall be permitted to be grass covered.

4.29.2.2.5.2 Off-street parking and off-street loading are not required, except at least one (1) off-street parking space shall be provided at any substation that is part of a Solar Energy Development.

4.29.2.2.6 Minimum Buffer Area/Screening

4.29.2.2.6.1 A minimum 25-foot-wide buffer area, consisting of natural and undisturbed vegetation and any required screening treatments, shall be provided along:

4.29.2.2.6.1.1 Road frontage of lots that are part of the Solar Energy Development;
and

4.29.2.2.6.1.2 Adjoining lots where the existing dwellings are within 50 feet of the Solar Energy Development but are not part of the Solar Energy Development.

4.29.2.2.6.2 Access driveways, utility lines, and stormwater management facilities shall be permitted to cross perpendicularly any required buffer area.

4.29.2.2.6.3 The buffer area shall be permitted to coincide with and be located within any required yard or setback area. [Previous content remains the same...]

4.29.2.2.6.4 Where the required buffer area is located within 50 feet of an existing dwelling on a lot or property that is not part of the Solar Energy Development, the buffer area shall

include a combination of preservation of existing mature vegetation or newly installed vegetation, walls or solid fences, or topography, or other acceptable screening treatment, so as to achieve a minimum of 50% opacity throughout the year, at a minimum height of 6-feet, within 5 years of the Solar Energy Development commencing operation.

4.29.2.2.7 Glare – Solar arrays and panels shall incorporate anti-reflective surfaces or be placed and arranged such that objectionable glare shall not result on adjoining properties or streets or roads. The applicant shall submit with the conditional use application a glare analysis in a form acceptable to the Township. The applicant’s glare analysis demonstrates glare potential for all days of the year and all hours of the day and shall demonstrate to the Township’s satisfaction that no objectionable glare will result on adjoining properties or streets or roads.

4.29.2.2.8 Signs – Warning/safety signs indicating voltage shall be placed on solar equipment, including substations and inverters, to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except:

4.29.2.2.8.1 – Manufacturer’s, installer’s, or operator’s identification;

4.29.2.2.8.2 – Appropriate warning signs and placards;

4.29.2.2.8.3 – Signs that may be required by a federal or state government agency; and

4.29.2.2.8.4 – Signs that provide 24-hour emergency contact information.

4.29.2.2.9 Use of Public Roads

4.29.2.2.9.1 – The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Solar Energy Development.

4.29.2.2.9.2 – The Township’s engineer or a qualified third-party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

4.29.2.2.9.3 – The Township may require the applicant to bond any road to be used during construction of the Solar Energy Development. Any bonding required shall be in accordance with the Township’s regulations for bonding of roads.

4.29.2.2.9.4 – Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant’s expense.

4.29.2.2.9.5 – The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

4.29.2.3 Abandonment – A Solar Energy Development that has not generated electricity for a period of 36 consecutive months shall be deemed to be abandoned and shall be decommissioned within 18 months from the date it is deemed abandoned. A decommissioning plan shall be submitted as part of the zoning permit application for the Solar Energy Development and shall include, but not be limited to, the following:

4.29.2.3.1 – A schedule and methods for the removal of the Solar Energy Development;

4.29.2.3.2 – A plan for restoring the land to its condition that existed immediately prior to the development of the Solar Energy Development, including grading and vegetative stabilization, but excluding buildings and other structures;

4.29.2.3.3 – A performance bond or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan, which shall be submitted prior to the start of construction of the Solar Energy Development; and

4.29.2.3.4 – An obsolete or unused Solar Energy Development and appurtenant structures shall be removed from the property within 18 months of abandonment or decommissioning.

ARTICLE 5 Supplemental Lot Regulations

5.1 Access to Structures

5.1.1 – Every dwelling or commercial structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved under the applicable Subdivision and Land Development Ordinance. All structures shall be located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.

5.1.2 – Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.

5.1.3 – Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons and comply with the current editions of ADA standards and the PA Uniform Construction Code PA Act 45 of 1999.

5.2 Accessory Uses and Structures - Zoning Permit Required

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

5.2.1 Fences or walls – not exceeding six (6) feet may be constructed in required yards

5.2.1.1 – The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 5.8).

5.2.1.2 – Fences and walls, except those designated for agricultural purposes, shall be setback a minimum of two (2) feet from any lot line to maintain their integrity or if on the property line to a distance of less than two (2) feet on the side of that fence shall face the written permission of the neighbor if the finished side of a fence shall face the lot exterior.

5.2.2 Accessory Storage or Utility Buildings and Detached Garages – Storage, utility buildings or other accessory structures may be maintained accessory to the dwelling. It shall not exceed a building height of 15 feet or one and one-half (1½) stories, except two-story garages, provided that said garage is not located in the front yard of the principal building for human occupancy. An accessory structure shall not be located in any area of less than 2 acres in size. All accessory buildings shall comply with the minimum yards specified for accessory structures in Article 3.

5.2.3 Carports in Village District – Carports in the Village District shall be anchored in accordance with the manufacturer's recommendation or attached to a permanent footer or foundation and shall comply with Section 5.2.2.

5.2.4 Pump Island Canopies – Canopies when used to protect pump islands at gas stations or convenience stores: a 10 ft. minimum building setback line is maintained, and the height of the canopy shall not exceed 24 ft.

5.2.5 Accessory Apartment – An accessory apartment may be constructed for a direct family member (parent, sibling or child) within an existing single-family detached dwelling pursuant to the following standards.

5.2.5.1 – The lot upon which an accessory apartment for a single-family detached dwelling is located shall meet the minimum requirements for a lot in the applicable zoning district.

5.2.5.2 – Accessory apartments may only be authorized for structures which were erected prior to the adoption of this Ordinance. No more than one (1) accessory apartment shall be permitted on a lot.

5.2.5.3 – The habitable floor area of the accessory apartment shall be a minimum of 400 sq. ft² and a maximum of 800 sq. ft², except that the floor area of the accessory unit shall not exceed 25% of the habitable floor area of the original dwelling.

5.2.5.4 – The architectural treatment of the structure shall be such as to portray the character of the single-family detached dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances will be at the side or in the rear.

5.2.5.5 – One dwelling must be owner-occupied.

5.2.5.6 – Sewage facilities shall be provided which can treat the volume of effluent anticipated from both the accessory apartment and the existing dwelling. A certification from the municipal Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for accessory apartment use.

5.2.5.7 – One off-street parking space shall be provided for the accessory apartment in addition to the number required for the existing dwelling (see Article 9).

5.2.6 Temporary Roadside Stands – Temporary roadside stands or shelters may be permitted in all Zoning Districts. All applications for such uses shall also meet the standards outlined below.

5.2.6.1 – Temporary roadside stands shall not exceed 400 square feet in size and shall be removed from the site during the seasons(s) when they are not in use for the sale or display of products.

5.2.6.2 – Where a temporary roadside stand is established, a minimum of three (3) off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided.

5.2.6.3 – Temporary stands shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection.

5.2.6.4 – A Zoning Permit shall be required for temporary roadside stands. The permit is valid for a period of six (6) months from the date of issuance; one permit is allowed per property each calendar year.

5.2.6.5 – All signs used to advertise such facilities shall meet the requirements set forth in Article 8 of this Ordinance and shall be removed when the temporary stand is removed.

5.2.6.6 – Temporary roadsides stalls shall be limited to the sale of farm, nursery, or greenhouse products.

5.2.6.7 – A Highway Occupancy Permit may be required.

5.2.7 – Placement of Recreational Vehicles In the 100 Year Floodplain

Recreational vehicles, including travel trailers, campers, motor homes, or other similar self-propelled or towable vehicles designed and used for temporary living quarters, whether temporarily or permanently placed on a lot, shall be subject to the following regulations.

5.2.7.1 Permit Requirements –

5.2.7.1.1 – A Zoning Permit shall be required where a recreational vehicle is proposed to be placed on a lot for more than six (6) months in any given year or on a permanent basis.

5.2.7.1.2 – A Seasonal Permit shall be required where a recreational vehicle is proposed to be placed on a lot for less than six (6) months in any given year. Seasonal Permits shall be renewed annually.

5.2.7.2 Foundation Requirements –

5.2.7.2.1 – Recreational vehicles placed on a lot for more than six (6) months in any given year or on a permanent basis shall be placed on a foundation in accordance with the applicable building code and may contain less than the minimum floor area required for a single-family detached dwelling per that code so long as no year-round or full-time occupancy occurs.

5.2.7.2.2 – Recreational vehicles placed on a lot for less than six (6) months in any given year or on a temporary basis shall be placed on a suitable at the grade pad or stand, designed to be level, durable and capable of supporting the maximum anticipated loads. Pads shall be constructed of compacted crushed stone or other suitable material. Such units may contain less than the minimum gross floor area required for a single-family dwelling under the applicable building code.

5.2.7.3 Sewage Disposal and Water Supply –

5.2.7.3.1 – Every recreational vehicle shall be provided with adequate sewage disposal and water supply facilities. Subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as part of an application for such a use. Self-contained holding tanks within the recreational vehicle may be utilized in conjunction with a Seasonal Zoning Permit when the owners of such units have written permission to periodically dump at a DEP approved dumping station. Alternatively, portable toilets may be utilized provided that they are serviced by a licensed waste hauler.

5.2.7.4 General Requirements –

5.2.7.4.1 – There shall be no permanent placement of recreational vehicles in a Floodway area. Where such uses are to be located in a Special Flood Hazard Area on a permanent basis, all requirements regarding floodproofing contained in the Nippenose Township Floodplain Ordinance 2016-79, as amended, shall be met.

5.2.7.4.2 – Temporary placement of recreational vehicles in any floodplain area may be permitted pursuant to the standards of Section 5.2.7.5 below.

5.2.7.4.3 – There shall be no decks, porches or other auxiliary buildings or structures permanently attached to recreational vehicles located in designated floodplain areas.

5.2.7.5 Off Season Removal and Emergency Evacuation of Recreation Vehicles in Floodplain Areas –

5.2.7.5.1 – An annual Seasonal Zoning Permit shall be required. The landowner shall be responsible for obtaining the Seasonal Zoning Permit and shall be considered the Permittee. Where the Permittee is other than the landowner, the application shall bear the signature of the landowner in addition to the applicant's signature as a verification of the information provided. Such permits shall be valid from May 1 to October 31 in any calendar year.

5.2.7.5.2 – The Seasonal Zoning Permit is only good for the applicant or Permittee and the site set forth in the application/permit. No Permittee may assign his or her rights to any other or entity at any time during the season.

5.2.7.5.3 – All units shall be removed from the floodplain during the off-season by the landowner or Permittee.

As part of the permit application, the Permittee shall provide written assurance to the Township that the unit will be removed from the floodplain prior expiration of the Seasonal Permit.

5.2.7.5.4 – The Permittee shall also submit a workable evacuation plan for removal of the unit should there be imminent danger of flooding, by whom they will be removed, and the temporary storage site that will be utilized. The Permittee shall be ultimately responsible for removal of the unit in a flood emergency.

5.2.7.5.5 – Nothing in this Section shall prohibit a Permittee from moving a unit on or off the site during the season for any reason. However, in the event the unit shall be removed for the purpose of replacing it with another unit at any time during the season, the Permittee must notify the Zoning Officer of the change so that the Township records may be kept accurate and up to date at all times.

5.2.7.5.6 – In obtaining a Seasonal Permit, applicants acknowledge that it is their responsibility to be aware of all declared flood emergencies, and any other situation in which it appears reasonable that flooding could occur and to take whatever steps are necessary to accomplish evacuation of the unit. The Township, in issuing such Seasonal Permits, assumes no liability or responsibility for providing information to a Permittee.

5.2.7.5.7 – The failure of a Permittee to remove a unit during a flood emergency shall result in the immediate revocation of the current permit for the remainder of the season, and the unit must be removed from the site as soon as conditions allow. In addition, this failure shall result in the forfeiture of the Permittee's right to lease or use the subject a lot for the following season.

5.2.7.5.8 – Where a Permittee fails to remove a unit at the end of any season but does so before the Township must take legal steps to enforce removal, the Permittee shall forfeit the right to lease or use the subject lot(s) for the next season. If the Township must take legal steps to enforce removal or a unit(s), this shall result in an automatic forfeiture of the Permittee's right to lease or use the lot for the next two seasons.

5.2.7.5.9 – There shall be no storage of camping units, portable toilets, picnic tables, pallets, wood piles or other materials on the lot during the off-season. The Permittee shall be responsible for compliance with this requirement. Failure to comply will result in the forfeiture of the Permittee's right to lease or use the subject a lot for the following season.

5.2.7.5.10 – Units placed within any designated floodplain area must remain on wheels and be capable of being towed from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the unit in time of flood danger. Units shall be fully licensed and shall be ready for highway use at all times.

5.3 Accessory Uses and Structures – Exempt from Permit Requirement – Conformance with the Following Specifications Shall Be Maintained:

Certain accessory uses and structures shall be exempt from obtaining a zoning permit if they comply with all requirements specified below:

5.3.1 – Fences designated for agricultural purposes may be located on the property line.

5.3.2 – A single storage building and other accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs of the dimension 12 x 12 ft. or smaller shall comply with all Section 5.2.2 requirements.

5.3.3 – When located in the R, A and COS Districts, carports shall be anchored in accordance with the manufacturers recommendation or attached to permanent footers or foundation to prevent movement and shall with comply Section 5.2.2.

5.3.4 – Landscape plantings may be constructed in required yards provided that the vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 5.8).

5.3.5 Swimming Pools – Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above-and on-ground pools; hot tubs, spas and fixed-in place wading pools.

5.3.5.1 Locations – The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than fifteen (15) feet to the side or rear lot lines, and no closer than twenty-five (25) feet to the front lot line.

5.3.5.2 Enclosure and Access Considerations – Swimming pool installations including required fencing shall be governed by the current adopted edition of the International Residential Code for One- and Two-Family Dwellings.

5.3.6 – Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines and shall comply with Floodplain regulations if appropriate.

5.3.7 – Sidewalks and driveways may be located within front, rear, and side yards and do not require zoning permits.

5.3.8 Hobby Farm – A Hobby Farm may be established on a lot or on a contiguous lot on which poultry or livestock secured within the premises may be raised for home use either on pasture or within animal housing. A Hobby Farm shall not be operated as an Agricultural Operation engaged in commercial raising of livestock for market. A Hobby Farm shall not exceed 1 animal equivalent unit (A.E.U.) per acre based on the following schedule. Note that 1 A.E.U is considered to be 1,000 pounds on average of live animal weight.

- Slaughter or feeder cattle: 1 = 1.0 A.E.U.
- Mature dairy cow: 1 = 1.3 A.E.U.
- Swine: 1 = 0.5 A.E.U.
- Sheep/Goats: 1 = 0.5 A.E.U.
- Horse: 1 = 1.0 A.E.U.
- Poultry, ducks, geese etc.: maximum of 25 birds regardless of lot size

5.3.8.1 – For an animal species not listed above, the hobby farm shall not exceed 1000 lbs. of animal weight per acre based on the typical live weight of mature animals of the species.

5.3.8.2 – The fenced area and structure for the housing of animals shall be at least 50 ft. away from any habitable structure on adjoining property.

5.3.8.3 Hobby Farm Definition – The raising or boarding of animals, livestock or poultry for personal use on a small farm operated for pleasure or supplemental income rather than for primary income.

5.3.8.4 – Domesticated animals or pets are exempt from the regulations of this section.

5.4 Conversion or Replacement of Buildings

5.4.1 – The conversion of any non-residential building into a dwelling, or the conversion of any dwelling to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such a district.

5.4.2 – A mobile home that has been replaced or discontinued as a residential dwelling shall be removed from the lot within sixty (60) days of the termination of the residential use. A permit may be obtained from the Zoning Officer to defer the removal of the mobile home pending its sale for a period not to exceed six months. The fee for said permit shall be established by the resolution of the Board of Supervisors.

5.4.3 – A mobile home that is no longer suitable for residential purposes shall not be converted to an accessory structure.

5.5 Design Standards for Driveways and Access Drives to Streets

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways:

5.5.1 – Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road or arterial highway. Compliance shall be required with permit requirements of PennDOT (Highway Occupancy Permit) and the Nippenose Township Driveway Permit Ordinance. The permit for a new driveway shall be secured prior to the issuance of any related zoning permit. The driveway permit fee as established in the fee resolution for this ordinance is due prior to the issuance of a permit.

5.5.2 – A scaled drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of any required plot plan.

5.5.3 – The general layout for driveways shall be such that there will be no need for motorists to back over or into the public street right-of-way. Single and two-family dwelling uses shall be exempt from this requirement.

5.5.4 – Access to the public highway or street shall be controlled in the interest of public safety. The off-street parking, loading and service areas on all properties used for any purpose other than single-family residences required by this Article shall be physically separated from the highway or street by a curb, pipe rail or fence and/or planting strip.

5.5.5 – Driveways shall be constructed of durable, all-weather material, shall be maintained in good condition and shall not exceed thirty-five (35) feet in width, except as increased by the curb radii. The number of driveways shall not exceed two (2) per lot on any one (1) street frontage. Residential lots with less than 200 feet of street frontage shall be limited to one driveway.

5.5.6 – Driveways should be located where street alignment and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions.

5.5.7 – Driveways shall be designed and constructed in such a manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by a PennDOT or township official, a drainage pipe of at least fifteen (15) inch diameter or equivalent shall be installed under the driveway at the property owner's expense. The size or diameter of such pipe and the installation, location, slope and angle of intersection of any new driveway accessing onto a Township road shall be approved by the appropriate official. The pipe shall be maintained and cleaned by the property owner. The driveway grade should run to the ditch line rather than to the roadway pavement.

5.5.8 Minimum Dimensional Requirements for Driveways – Driveways shall not cross a street right-of-way line within:

5.5.8.1 – 40 feet of the right-of-way line of the intersection of a local street, nor within 100 feet of the right-of-way line of the intersection of a collector road or arterial highway;

5.5.8.2 – five (5) feet of a fire hydrant, catch basin or drainage inlet;

5.5.8.3 – three (3) feet of a property line unless adjoining property owners mutually agree to a common driveway.

5.5.9 – In addition to the above, the following driveway design guidelines shall be met:

Type of Development	Driveway		Min. Curb Radius ⁶	Min. Intervals	Min. Sight Distance ⁴
	Min. Width	Max. Grade ¹			
Single Family	10 ft.	15%	10 ft.	40 ft. ²	150 ft.
Multi-Family ⁵	15 ft.	12%	15 ft.	40 ft. ³	100 ft.
Non-Residential	15 ft.	8%	15 ft.	40 ft. ³	300 ft.

1. All driveways should provide a stopping or leveling area which extends from the edge of the shoulder or curb to the right-of-way line. This leveling area shall not exceed a maximum of 5% in grade nor intersect the shoulder of roads to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60° and preferably 90°

2. Between an intersection and the first driveway only.

3. Between any two (2) points of access, including both driveway and public streets.

4. Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than thirty (30) inches or tree limbs lower than fourteen (14) feet shall be permitted within this area.

5. For the purpose of driveway design, the multi-family residential design criteria shall be used for driveways providing access to five or more dwelling units.

6. Where drop curbs are used to provide driveway access, the minimum width of the drop curb shall be 20 feet for single family residential use and 35 feet for multi-family and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin 10 feet back from the edge of the curb for single family residential and 15 feet back for multi-family and non-residential.

5.6 Exceptions to Height Regulations

5.6.1 – The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (i.e., silos, grain bins, elevator legs etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, wind energy facilities, nor to chimneys, ventilators, skylights, water tanks, storage silos, utility poles, standards, above roof level, and necessary mechanical appurtenances usually carried above roof level. This height exception shall not apply to any Communications Antenna and Communication Tower (see Section 4.9).

5.7 Hazardous Materials and Substances

Any use or activity which involves the production, processing, utilization or storage of greater than 550 gallons (or comparable volume) of hazardous materials or substances such as: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, nitrogen oxides, petroleum products (gasoline, fuel oil, etc.), phosphorous, potassium, sodium, sulfur and sulfur products, pesticides, herbicides, fungicides or similar elements, chemicals or agents (including any amount of radioactive substances) which when released into the natural environment may be detrimental to the health, safety and welfare of residents shall require conditional use approval by the Board of Supervisors. Such uses and activities shall comply with the following performance standards:

5.7.1 – All above ground fuel tanks (except propane tanks), containment structures and storage facilities shall be located in a depressed area sized to hold all of the contained volume, with a one-foot freeboard, in the event of accidental spillage or release. Such depressions shall be lined with materials that prevent the hazardous substance or material from soaking into the ground and shall have a positive drainage to an area for pumping up any spill.

5.7.2 – Tanks or storage facilities for greater than 4,000 gallons (or comparable volume) shall be enclosed in a chain link, barbed-wire topped fence.

5.7.3 – Chain-link, barbed-wire topped fencing is required for any such use or actively posing a potential hazard to residents or passersby. Such enclosures shall be screened with hedges.

5.7.4 – Facilities housing any volume of such materials or substances shall be designed and constructed to prevent pollution of the environment or public harm in the event of accidental spillage or release.

5.7.5 – The applicant shall provide documentation verifying that the appropriate emergency preparedness and/or spill response plan (such as a PPC, SPR or SPCC Plan) has been approved by the DEP and is on file with the Lycoming County Emergency Services and other local emergency response agencies.

5.7.6 – No discharge of toxic or noxious matter in such quantity as would be detrimental or injurious to public health, safety or welfare or would cause damage to property shall be permitted.

5.7.7 – The applicant shall provide adequate safety devices against the hazard of fire and explosion. Adequate firefighting and suppression measures, devices and equipment shall be provided in accordance with industry standards.

5.8 Intersection Visibility

5.8.1 – No obstruction to vision (other than an existing building, post, column, tree, or proposed or existing public utility pole) exceeding twenty-four (24) inches in height shall be erected, planted or maintained on any lot within a clear sight triangle within that part of the required front or side yard which is within a horizontal clear-sight triangle bounded by the two curb lines (paved street lines) and a straight line drawn between points on each such line fifty (50) feet from the intersection of said lines or extension thereof. All plant material shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

5.8.2 – At each point where an alley or a private driveway intersects a public street, a clear sight triangle of twenty (20) feet measured from the point of intersection of the street line and the edge of the driveway shall be maintained within which vegetation and other visual obstructions shall be limited to height of not more than twenty-four (24) inches above the street grade.

5.9 Nuisance Standards for the Village District

5.9.1 Requirements for All Uses – No use shall be permitted which is noxious or offensive in the immediate surrounding areas by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, toxicity, or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the following standards shall apply. The proposed operation should not:

5.9.1.1 – Constitute a nuisance beyond the boundary of a site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust.

5.9.1.2 – Result in noise or vibration exceeding the average intensity of ambient noise or vibration occurring from other causes at the boundary line.

5.9.1.3 – Endanger surrounding areas by reason of fire or explosion.

5.9.1.4 – Produce objectionable heat, glare, or radiation beyond the property line.

5.9.1.5 – Result in major electrical disturbance in nearby residences or adversely affect the operation of equipment other than on the property on which the disturbance is located, when such equipment can be shown to be designed in accordance with relevant industry standards and in proper functional condition.

5.9.2 – When required by the Zoning Administrator, an applicant for a proposed use shall demonstrate, as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree

necessary to ensure that the proposed use will not be noxious, hazardous, or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and technical studies prepared by a qualified specialist. The Zoning Administrator may require the expert advice of official agencies or private consultants, and such reasonable tests as are deemed necessary; the costs of which shall be borne by the applicant.

5.9.3 Odor Protection Levels – No use shall generate odor, odorous gas, or odorous material in such quantities as can be readily detectable at any point along lot lines without the use of instruments. Odor shall not exceed the odor limit beyond the lot line.

5.9.3.1 – Odor limit is defined as the lowest concentration of odorous matter that produces an olfactory response in human beings.

5.9.3.2 – The above requirements shall not apply to odors created by permitted agricultural uses, nor to odors normally coincident with permitted land uses so long as the odor characteristics are non-offensive as judged by the Zoning Administrator based on the odor, strength, characteristics, and duration.

5.9.3.3 – In an instance a proposed use in any category is to be a source of odor in accordance with Section 5.9.3.1 above, the steps that follow are used to mitigate odor:

1. The applicant shall prepare and show the ability to comply with an odor abatement plan for all buildings, structures and outdoor compounds. Recognition must be given that certain uses and activities produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. Odor plume movement data, plumes, and odor chemical composition shall be provided with the study. The abatement plan shall show that steps will be taken as may be necessary to abate odors or to allow odors at times where there would be minimal interference with neighbors.
2. The applicant shall dispose of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance.
3. The applicant shall show that they can meet the standards and guidelines as may be set forth in treatises of best management practices of the use in the business and industry recognized by appropriate authorities or as produced by the PA Department of Agriculture, PA Department of Environmental Protection, Penn State University-College of Agricultural Sciences, or similar entities. Site suitability assessment as provided by the above shall be submitted with the application.

5.9.4 Noise Protection Levels – The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.

5.9.4.1 – No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in this Section, when measured at property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Maximum Permitted Sound Pressure Levels	
Frequency Bank Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
0 – 150	67
150 – 300	59
300 – 600	52

600 – 1200	46
1200 – 2400	40
2400 – 4800	34
Above 4800	32
*if the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein:	
Type of Operation or Character of Noise	Corrections in Decibels
Noise between the hours of 10pm and 7am	-3
Noise occurring less than 5% of any one-hour period	+5
Noise of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.); in case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above	-5

5.9.4.2 Exemptions to Noise Standards – The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water, or other public utilities between the hours of 7 am and 9 pm, except for clear emergency repairs which are not restricted by time.
3. Household power tools and lawn mowers between the hours of 8 am and 9 pm.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7 am and 9 pm, except for clearly emergency repairs which are not restricted by time.
5. Forestry and agricultural activities.
6. Motor vehicles traveling on public streets.
7. Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
8. Railroads and aircraft.
9. Unamplified human voices.
10. Routine ringing of bells and chimes by a place of worship or municipal clock.
11. Hunting and Target Shooting.
12. Roofing contractors between 5 am and 9 pm to avoid mid-day extreme heat conditions.

5.9.5 Vibration Protection Levels – No use shall generate vibration which can cause damage to building structures, equipment alignment, or structural soundness.

5.10 Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets.

5.11 Projections into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

5.11.1 – Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, windowsills, or other architectural features, provided they do not extend more than four (4) feet into any required yard nor closer than five (5) feet to any adjacent property line.

5.11.2 – Patios, decks, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.

5.11.3 – Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

5.11.4 – Covered porches shall be considered part of the main building and shall not project into any required yard.

5.12 Public Utilities Exempt

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of party to the proceedings. See Section 619 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

5.13 Screening and Landscaping

Screen planting as may be required elsewhere in this Ordinance, or where determined to be necessary by the Board of Supervisors or Zoning Hearing Board in a Conditional Use or Special Exception application shall serve as a barrier to visibility, glare, and noise between adjacent properties.

5.13.1 Screening –

5.13.1.1 – Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth.

5.13.1.2 – Screen planting shall be maintained permanently by the lot owner, and any plant material which did not survive shall be replaced within one (1) year.

5.13.1.3 – Screen planting when mature shall not encroach into any road right-of-way nor into a driveway or intersection clear sight triangle.

5.13.2 Substitution of a Landscaping Plan for Screening – In lieu of a solid hedge, wall, or fence barrier the appropriate board may consider the substitution of an attractive and coordinated landscaping design. This design should be detailed on the site plan or on a separate drawing. Emphasis shall be given to the integration of the parking into the landscape plan to minimize its visual impact upon adjacent lots and upon the neighborhood. Landscaping shall be maintained to achieve the desired effect. The Zoning Officer shall notify property owners in the event that required or approved screening or landscaping is not maintained.

5.14 Small Wind Energy System

5.14.1 Definition – See Article 17.

5.14.2 Controls

5.14.2.1 – Lot size shall not be less than one (1) acre inclusive of the permitted principal use.

5.14.2.2 – The tower height inclusive of blade tip shall not exceed one-hundred-twenty (120) feet measured from the ground level below the base of the tower.

5.14.2.3 – Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from being located in the front yard.

5.14.2.4 – Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.

5.14.2.5 – The small wind energy system is to operate on the same lot to serve the principal use.

5.14.3 Discontinuance of Use – If a Small Wind Energy System remains unused for a period of twelve (12) consecutive months, the property owner shall dismantle and remove the tower and related equipment within six (6) months of the expiration of such twelve (12) month period.

5.15 Storage of Junk and Certain Vehicles

5.15.1 Storage of Junk as an Accessory Use in All Districts – The outdoor storage of any junk as an accessory use including automotive vehicles or trailers of any kind (except operable farm trailers) without current license plates or inspection, or other inoperative machinery (including farm machinery) shall be:

5.15.1.1 – Screened from view from any street right-of-way or property line using vegetative screening (see Section 5.13), fencing or topographic or natural features of the lot. The proposed screening shall be evaluated by the Zoning Officer to determine its effectiveness and shall be maintained in good order and appearance.

5.15.1.2 – Limited to the occupancy of no more than 1,000 sq. ft. of lot area.

5.15.2 Junkyard/Salvage Yard – See the special exception criteria for this use in Section 4.16.

5.16 Unique Lots and Building Locations

5.16.1 Two or More Buildings on a Lot - Land Development – Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see the applicable Subdivision and Land Development Ordinance).

5.16.2 Side Yard of a Corner Lot – The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

5.17 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every building or structure hereafter altered or moved upon any premises, or used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with safe and sanitary means of collection and treatment or disposal of sewage. Such facilities shall conform to minimum requirements set forth by the Pennsylvania Department of Environmental Protection, and any other applicable federal, state or local laws or regulations.

5.18 Yard and Garage Sales

For the purposes of this ordinance, yard and garage sales shall be considered as an accessory used to a residential dwelling and shall not require a zoning permit, provided that:

5.18.1 – No more than 3-yard sales shall be conducted per year by a resident from the same lot; and

5.18.2 – The duration of one yard sale shall not exceed 3 consecutive days.

5.18.3 – Should a resident desire to conduct yard sales in excess of the frequency or duration stated above, a Conditional Use shall be required using the Home Occupation regulations of Article 4 as the review criteria.

5.18.4 – Yard sale signs shall be removed within 24 hours of the last day of the sale.

5.19 Mandatory Water Connection

5.19.1 – This Ordinance is adopted for the following purposes:

5.19.1.1 – To protect and provide for the public health, safety and general welfare of the residents of the Township.

5.19.1.2 – To ensure an adequate and safe water supply for the people of the Township.

5.19.1.3 – To authorize rules and regulations pertaining to the making of connections to the water supply and distribution system of the Authority serving portions of the Township.

5.19.2 – The recitals set forth above are incorporated herein by reference.

5.19.3 - Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this part shall be as follows:

- **AUTHORITY** – Jersey Shore Area Joint Water Authority, a municipality authority organized and operating under the laws of the Commonwealth of Pennsylvania.
- **IMPROVED PROPERTY** – Any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals. "Improved Property" shall not include any structure to be used solely for "dry storage" provided that "dry storage" is the proposed use noted on a zoning permit application and/or building code application submitted to the Township.
- **LATERAL** – That part of the water system extending from a main to the curb line or if there shall be no curb line, to the street right-of-way line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a main which is provided for connection of any water service line.
- **MAIN** – Any pipe or conduit constructing a part of the water system used or usable for water distribution purposes.
- **OWNER** – Any person vested with ownership, legal or equitable, sole or partial, of any improved property.
- **PERSON** – Any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity, and the members of such partnership or association and the officers of such corporation.
- **TOWNSHIP** – The Township of Nippenose, Lycoming County, Pennsylvania, acting by and through its Board of Supervisors or its designee, the Jersey Shore Area Joint Water Authority.
- **WATER SERVICE LINE** – The extension from the water system of any structure to the lateral of a main.
- **WATER SYSTEM** – All facilities, as of any particular time, for production, transmission, storage or distribution of water in, to and for this Township and owned by the Authority.

5.19.4 – Use of public water system required. The owner of any improved property abutting the water system, where the principal building is either located within 150 feet of the water system or any part or extension of the water system or where the principal building has no supply of water which is safe for human consumption, shall connect such improved property with and shall use such water system, in such manner as the Township or its designee may require, within 60 days after notice to such owner from the Township or its designee to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township or its designee, from time to time.

5.19.5 – Notwithstanding the provisions of Section 5.19.4, a property owner who is subject to the mandatory connection set forth in that section shall not be required to connect to the water system if all the following conditions exist:

5.19.5.1 – The water system or part or extension of the system that is within 150 feet of the principal building was in existence as of the effective date of this Ordinance
5.19.5.2 – The principal building has its own supply of water which is safe for human consumption; and

5.19.5.3 – Prior to the effective date of this Ordinance, the property owner was not required to connect to the existing water system.

5.19.5.4 – The property owner shall submit full and complete information and documentation to the Authority justifying the requested exemption.

5.19.5.5 – The Authority may attach reasonable conditions to any exemption request or may issue a temporary exemption which would expire upon the occurrence of certain events.

5.19.6 – All owners of property that is not an improved property as of the effective date of this Ordinance that may abut the water system or any extension thereof, upon erection of any private dwelling or living unit, commercial establishment or industrial establishment, shall make connection with the water system at their expense prior to occupying the improved property.

5.19.7 – All connections to the water system shall be made in compliance with the applicable ordinances, resolutions and regulations as may from time to time be enacted, adopted or promulgated by the Township and/or the Authority.

5.19.8 – The notice by the Authority to make a connection to a lateral, referred to in this Ordinance, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such a connection shall be made within 60 days after notice is given or served. The notice shall also include a copy of the rates, rules and regulations of the Township and/or Authority then in effect. Such notice may be given or served at any time after a lateral is in place that can deliver water to the improved property. Such notice shall be given or served upon the owner by personal service or by registered or certified mail to his last known address.

5.19.9 – Industries and farms otherwise required to connect which have their own supply of water for uses other than human consumption may continue to use their own water for that purpose but are required to use the water system to provide water for human consumption notwithstanding the foregoing supply.

5.19.10 – Failure to connect, in case any owner of property required to connect to the water system who does not receive an exemption fails to connect within the time-period specified in the notice, the following actions may occur in the discretion of the Township and/or Authority:

5.19.10.1 – The Authority or its agents may enter upon such property after 48-hour notice and construct said connections.

5.19.10.2 – The Authority shall, upon completion of the work, send an itemized bill of the cost of its construction of such connection to the owner of the property to which the connection has been made which bill shall be due and payable in full within thirty (30) days.

5.19.10.3 – Upon failure of the owner of such property to pay the itemized bill, the Authority shall cause a municipal claim and/or lien to be filed in the full amount of the bill within six months of the date of completion of the connection which claim and/or lien shall be filed and collected together with the maximum lawful rate of interest and reasonable attorney's fees and costs as is then provided by law.

5.19.11 – For each violation of the provisions of this Ordinance, the owner, agent, lessee or contractor or any other person who commits, takes part in or assists in any such violation shall be liable, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the

Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$200.00 nor more than \$19000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

5.19.12 – All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

5.19.13 – The invalidity of any section or part of this Ordinance shall not affect the validity of any other part.

5.19.14 – This Ordinance shall take effect five (5) days after the enactment.

5.20 Stormwater Management

The Second Class Township Code, as amended, empowers Townships of the Second Class to enact stormwater management ordinances; and to regulate activities that affect public health, safety, and welfare. In addition, and where applicable, Act 167 of October 4, 1978, “The Stormwater Management Act,” authorizes the regulation of land and water use for flood control and stormwater management purposes, imposing duties and conferring powers on PA DEP, municipalities, and counties. Below, this complete ordinance is summarized to provide its title, purpose(s), key regulations, and enforcement. **You may view the complete ordinance in office or provided on our website.**

5.20.1 – This ordinance shall be known, and may be cited, as the “Nippenose Township Stormwater Management Ordinance”.

5.20.2 – This ordinance is enacted for the following purposes:

5.20.2.1 – To manage stormwater runoff problems at their source by regulating activities that cause such problems, to utilize and preserve desirable existing natural drainage systems, to encourage recharge of groundwater, to prevent the deterioration of groundwater quality, to maintain the existing flows and quality of streams and watercourses in the Municipality, to preserve and restore the flood carrying capacity of streams, to reduce stormwater runoff volumes, to reduce accelerated erosion, to reduce scour, to reduce aggradation and degradation, and to provide procedures and standards for proper operation and maintenance of stormwater Best Management Practices (BMPs).

5.20.2.2 – To provide minimum standards for the design, installation, and maintenance of all Stormwater Management Facilities in the Municipality.

5.20.2.3 – To assure, at a minimum, that peak rates of runoff (peak discharges) are no greater after development than prior to development within the Municipality.

5.20.2.4 – To minimize danger to public health and safety, and damages to property by providing for proper management of stormwater runoff.

5.20.2.5 – Meet legal water quality requirements under State law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.

5.20.2.6 – Provide standards to meet applicable NPDES permit requirements.

5.20.3 – This ordinance shall apply to the following:

5.20.3.1 – All activities involving the alteration or development of land that may impact stormwater runoff characteristics.

5.20.3.2 – All activities related to the proper operation and maintenance of Stormwater Management Facilities and stormwater BMPs; and permanent erosion and sediment pollution control facilities.

5.20.3.3 – All activities that may contribute non-stormwater discharges to receiving streams.

5.20.3.4 – The installation of Stormwater Management Facilities and/or appurtenances thereto.

5.20.4 – Municipal Liability: The degree of stormwater management sought by this Ordinance is considered reasonable for regulatory purposes. This Ordinance shall not create any liability on the part of the Municipality; any appointed or elected official of the Municipality; or any officer, engineer, or employee thereof for any damage(s) that may result from the application and/or enforcement of this Ordinance

5.20.5 – Fees payable to the Municipality by an Applicant/Developer shall be established from time to time by Resolution of the Municipality for the following:

5.20.5.1 – Administrative/clerical processing.

5.20.5.2 – Escrow deposit(s) for the following:

5.20.5.2.1 – Review and processing of Stormwater Management Plans (including any supplemental information), and any related documents.

5.20.5.2.2 – Review by the Municipal Engineer of Stormwater Management Plans (including any supplemental information), and any related documents.

5.20.5.2.3 – Review by the Municipal Engineer of any and all information concerning the construction of Stormwater Management Facilities.

5.20.5.2.4 – Any and all consultation with the Municipal Engineer during construction of Stormwater Management Facilities.

5.20.6 – The party responsible for the operation and maintenance of Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities shall perform the following:

5.20.6.1 – Complete a visual inspection of all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities at least once every three (3) months, and immediately after storm events. Such a visual inspection shall at least involve an examination of all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities for debris deposition (such debris may include, but shall not be limited to aggregate material, leaves, grass clippings, and soil material), settlement, sinkholes, seeps, structural cracking, animal burrows, excessive vegetation, foundation movement, erosion, depressions, water retention times that exceed seventy-two (72) hour, and inadequate hydraulic capacity.

5.20.6.2 – Remove any accumulation of debris from all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities; maintain vegetation within any above-ground Stormwater Management Facilities to a height that does not exceed three (3) inches; humanely remove any burrowing animal(s), and backfill animal burrows with soil, and re-vegetate repaired areas in accordance with the specifications contained in the applicable erosion and sediment pollution control plan; and immediately repair any erosion damage by placing topsoil on all areas that experience minor erosion, and seeding and mulching such areas immediately in accordance with the specifications contained in the applicable erosion and sediment pollution control plan.

5.20.6.3 – Remove plastic trash bags and other similar “litter” from the outlets of Stormwater Management Facilities during periods between storm events.

5.20.6.4 – Engage a qualified Professional Engineer and/or a qualified Professional Geologist to prepare a corrective action plan for stormwater quality/infiltration facilities that do not drain within seventy-two (72) hours. Said corrective action plan shall be submitted to the Municipal Engineer for review and approval prior to initiating any corrective, repair, and/or reconstruction activities.

5.20.6.5 – Engage a qualified Professional Engineer to prepare a corrective action plan for stormwater collection and/or conveyance facilities that are designed and/or required to collect and convey stormwater runoff from a 100-year design storm event and that fail in any way to do so. Said corrective action plan shall be submitted to the Municipal Engineer for review and approval prior to initiating any corrective, repair, and/or reconstruction activities.

5.20.6.6 – At least once per year, engage a qualified Professional Engineer and/or a qualified Professional Geologist to thoroughly inspect and evaluate the operational conditions of all Stormwater Management

Facilities, and permanent erosion and sediment pollution control facilities; and provide a written report regarding the operational conditions of same to the Municipality.

5.20.6.7 – Maintain a written record of all inspections, repairs, and maintenance activities associated with all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities.

5.20.6.8 – Immediately notify the Municipality and the Lycoming County Conservation District prior to initiating any “major” repair activities (such as repairs that may be required as a result of settlement, sinkholes, seeps, structural cracking, foundation movement, water retention times that exceed seventy-two hours, and/or inadequate hydraulic capacity within any stormwater management collection and/or conveyance facility). All “major” repairs shall be conducted under the direction and supervision of a qualified Professional Engineer and/or a qualified Professional Geologist.

ARTICLE 6 Regulations to Prevent the Creation Or Establishment of Airport Hazards

6.1 Overview

This article regulates and restricts the height to which structures may be erected or objects of natural growth, and otherwise regulating the use of property in the vicinity of the Jersey Shore Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Jersey Shore Height Limitation and Zoning District Map which is incorporated in and made part of this Ordinance; and providing for enforcement.

6.2 Declaration of Policy

This Article is adopted pursuant to the authority conferred by 1984 Pa Laws 164, codified at 74 Pa Cons. Stat. §5101 et seq., and 53 PS 10101 et sq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Jersey Shore Airport and property or occupants of landing in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Jersey Shore Airport and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Jersey Shore Airport and the public investment therein. Accordingly, it is declared:

6.2.1 – that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Jersey Shore Airport.

6.2.2 – that it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented, and

6.2.3 – that the prevention of these obstructions should be accomplished, to the extent legally possible, be the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

¹ Note - This article is a codification of Nippenose Township Zoning Ordinance Amendment 04-60 pertaining to Airport Hazards.

6.3 General Definitions

The following words and phrases when used in this article shall have the meaning given to them in this section unless the context clearly indicates otherwise.

6.3.1 Aircraft – Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

6.3.2 Airport - Jersey Shore – Defined as: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

6.3.3 Airport Elevation – 500 feet – Defined as: The highest point of an airport's usable landing area measured in feet above sea level.

6.3.4 Airport Hazard – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa Cons. Stat. §5102.

6.3.5 Airport Hazard Area – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Article and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

- 6.3.6 Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 4 of this Ordinance. In the plan perimeter of the approach surface zone.
- 6.3.7 Approach, Transitional, Horizontal and Conical Surface Zones – These zones are set forth in Section 6.4 of this Article.
- 6.3.8 Zoning Hearing Board – A Board appointed by the authority adopting these regulations. The number of members, powers, the governing rules, etc. of the Board are set forth in Section 6.9 of this Article. Joint Airport Zoning Board is defined in Section 6.10.
- 6.3.9 Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 6.3.10 Department – Pennsylvania Department of Transportation.
- 6.3.11 FAA – Federal Aviation Administration of the United States Department of Transportation.
- 6.3.12 Height – For the purpose of determining the height limits in all zones set forth in the Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- 6.3.13 Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.
- 6.3.14 Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller drive aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- 6.3.15 Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.
- 6.3.16 Non-Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision approach procedure has been approved or planned.
- 6.3.17 Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 6.4 of this Article.
- 6.3.18 Person – An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- 6.3.19 Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning documents.
- 6.3.20 Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 6.3.21 Private Airport – An airport which is privately owned, and which is not open or intended to be open to the public as defined in 74 Pa. Cons. Stat. §5102.
- 6.3.22 Public Airport – An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. Cons. Stat. §5102.

6.3.23 Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

6.3.24 Structure – An object, including a mobile object, constructed or installed by man including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

6.3.25 Transitional Surfaces – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

6.3.26 Tree – Any object of natural growth.

6.3.27 Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

6.3.28 Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.

6.4 Airport Surface Zones

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Jersey Shore Airport. Such zones are shown on the Jersey Shore Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring, 1989, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) if the following zones are considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

6.4.1 Utility Runway Visual Approach Surface Zone – Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6.4.2 Utility Runway Non-Precision Instrument Approach Surface Zone – Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6.4.3 Runway Larger Than Utility Visual Approach Surface Zone – Established beneath the visual approach surface. The inner edge of this zone coincides with the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface.

6.4.4 Runway Larger Than Utility with a Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Surface Zone – Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6.4.5 Runway Larger Than Utility with a Visibility Minimum as Low As $\frac{3}{4}$ Mile Non-Precision Instrument Approach Surface Zone – Established beneath the non-precision instrument approach surface. The inner edge of this zone coincided with the width of the primary surface and 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6.4.6 Precision Instrument Runway Approach Surface Zone – Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6.4.7 Transitional Surface Zones – Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

6.4.8 Horizontal Surface Zone – Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

6.4.9 Conical Surface Zone – Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward from a horizontal distance of 4,000 feet.

6.5 Airport Surface Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

6.5.1 Utility Runway Visual Approach Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of an at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

6.5.2 Utility Runway Non-Precision Instrument Approach Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of an at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

6.5.3 Runway Larger Than Utility Visual Approach Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of an at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

6.5.4 Runway Larger Than Utility with a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Surface Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of an at the same elevation as the primary surface and extended to a horizontal distance of 10,000 feet along the extended runway centerline.

6.5.5 Runway Larger Than Utility with A Visibility Minimum As Low As 3/4 Mile Non-Precision Instrument Approach Surface Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

6.5.6 Precision Instrument Runway Approach Surface Zone – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

6.5.7 Transitional Surface Zones – Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 500 feet above mean sea level. In addition to the foregoing when an airport has a precision instrument runway approach zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of an at

the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angle to the extended runway centerline.

6.5.8 Horizontal Surface Zone – Established at 150 feet above the established airport elevation or at a height of 650 feet above sea level.

6.5.9 Conical Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height of 850 feet above mean sea level.

6.6 Airport Zoning Requirements

6.6.1 Reasonableness – All airport zoning regulations adopted under this article shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of the article. In determining what regulation, it may adopt, each municipality and joint airport zoning board shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

6.6.2 Use Restrictions – Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

6.6.3 Nonconforming Uses –

6.6.3.1 Regulations Not Retroactive – The regulations prescribed by this Article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 6.7 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article and is diligently executed.

6.6.3.2 Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Jersey Shore Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights should be installed, operated and maintained at the expense of the owners of Jersey Shore Airport.

6.7 Permits and Variances

6.7.1 Future Uses – Except as specifically provided in Sections 6.7.1.1, 6.7.1.2 or 6.7.1.3 hereunder, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmation, the permit shall be granted. No permit for use is inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with this Section 6.7.4.

6.7.1.1 – In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

6.7.1.2 – In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

6.7.1.3 – In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure or growth of any tree in excess of any height limits established by this article, except that a permit may be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

6.7.2 Existing Uses – Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the municipality authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made.

6.7.3 Nonconforming Uses Abandoned or Destroyed – Whenever the Township Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviated from this article.

6.7.4 Variance – Any person who plans to erect a new structure, to add to an existing structure or to erect or maintain any object (natural or manmade) in the vicinity of the Jersey Shore Airport, as defined in 14 Code of Federal Regulations Paragraph 77.13(a) (as amended or replaced) shall first notify the Federal Aviation Administration and the Pennsylvania Bureau of Aviation to complete and obtain an obstruction review of the plan. Subsequently, if necessary because the plan is in violation of other township zoning regulations, the individual may apply to the Zoning Hearing board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of Section 6.8 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Article. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Article.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without input to grant or deny said application.

6.7.5 Hazard Marking and Lighting – In granting any permit or variance under this section, the Board shall, if it deems the action advisable to effectuate the purpose of this Article and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the

municipality, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

6.8 Enforcement/Notice

6.8.1 Local Enforcement – It shall be the duty of the Zoning Officer to administer and enforce the regulation prescribed in this article.

Applications for permits and variances shall be made upon a form published for that purpose. Applications required by this article are to be submitted to the Zoning Officer and processed in accordance with the provisions of Article 16 of this Ordinance.

6.8.2 Notice to Department – Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or variance under this Article shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent to the department at least (10) days before the date upon which the decision is to be issued.

6.8.3 Enforcement – Enforcement shall be by Zoning Enforcement notice as provided in Nippenose Township Zoning Ordinance.

6.9 Joint Airport Zoning Board

Joint Airport Zoning Board – Where any airport hazard appertaining to an airport is located outside the territorial limits of the municipality encompassing the airport, all of the municipalities involved may, by ordinance or resolution, create a Joint Airport Zoning Board which shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested (by the police power) in the municipality within which the area is located. Each joint airport zoning board shall have as members two representatives appointed by each municipality participating in its creation, and in addition, a chairman elected by a majority of the members so appointed.

6.10 Appeals

6.10.1 Right of Appeal – Any person aggrieved, or taxpayer affected by any decision of the municipality or zoning officer may appeal to the Zoning Hearing Board as provided by law.

6.11 Acquisition of Air Rights

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot because of constitutional limitation, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than by airport zoning regulations, the municipality or municipal authority owning the airport or served by it, if any, may acquire by purchase, grant or condemnation, in the manner provide by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this article. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

6.12 Relation to Other Zoning Regulations of the Municipality

6.12.1 Incorporation – In the event that a municipality has adopted or hereafter adopts a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of the comprehensive zoning regulations and be administered and enforced in connection therewith. This Article (Nippenose Township Ordinance 2004-60) is intended to be a part of the Nippenose Township Zoning Ordinance, by incorporation therein as an addendum chapter.

6.12.2 Conflicts – In the event of conflict between any airport zoning regulations adopted under this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality or otherwise the more stringent limitation or requirement shall govern and prevail

ARTICLE 7 Exterior Lighting Standards

7.1 Purpose – These standards are established for the following purposes –

- 7.1.1 – To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
- 7.1.2 – To implement the light and energy conservation policies of the Comprehensive Plan.
- 7.1.3 – To discourage excessive lighting.
- 7.1.4 – To regulate the type of light fixtures, lamps and standards.
- 7.1.5 – To protect residential zones from the ill effects associated with nonresidential and multi-family exterior lighting.
- 7.1.6 – To create a safe environment during hours of darkness.
- 7.1.7 – To avoid excessive lighting in order to protect the Township’s natural resource of a dark night sky.

7.2 Applicability

- 7.2.1 – When an exterior lighting installation is part of a new development proposal requiring a site plan review, a Permitted Use application or a Special Exception or Conditional Use application, the Township shall review and approve the lighting design as part of the permitting process.
- 7.2.2 – The regulations of this article do not apply to agriculture, agricultural operations, single family or duplex dwelling uses.
- 7.2.3 – These regulations do not apply to Public Right-of-Way and shall not conflict with PennDOT or Township Street Light standards and design criteria.
- 7.2.4 – These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.
- 7.2.5 – The regulation of sign lighting is governed by Section 8.2.5 of this Ordinance.

7.3 General Requirements

- 7.3.1 – Site lighting trespass onto adjacent residential lots shall be minimized.
- 7.3.2 – Site lighting shall minimize light spill into the dark night sky and shall be rated by the manufacturer as dark sky compliant.
- 7.3.3 – Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
- 7.3.4 – Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- 7.3.5 – Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.

7.3.6 – Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.

7.3.7 – The applicant shall submit to the Township sufficient information, in the form of an overall exterior lighting plan, to enable a determination that the applicable provisions will be satisfied. The exterior lighting plan shall include at least the following:

7.3.7.1 – Manufacturer specification sheets, cut sheets or other manufacturer provided information for all proposed lighting fixtures.

7.3.7.2 – The proposed location, mounting height, and aiming point of all exterior lighting fixtures.

7.3.7.3 – If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.

7.3.7.4 – If needed to review proposed exterior lighting installations, the Township may request additional information following the initial lighting plan submittal, such as:

- (1) A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.
- (2) Photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures.
- (3) Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by the Zoning Officer. Iso-footcandle contour line style plans are also acceptable.
- (4) Landscaping information that indicates mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

7.4 Lighting Standards for Uses within 50 feet of Residential Uses or Zones

7.4.1 – For exterior lighting installations and fixtures within 50 feet of any residential uses or zones, the following requirements shall apply:

7.4.1.1 – Lighting fixtures shall be no higher than 15 feet above grade.

7.4.1.2 – Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential uses or zones. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.

7.4.1.3 – Where feasible, additional landscaping or buffers may be required in accord with Section 5.13 to provide light screening between commercial uses and residential uses to help prevent light trespass. Where landscaping is used for light screening, the Township shall take into consideration the applicable landscaping standards found elsewhere in these regulations, the design standards found elsewhere in these regulations, the creation of excessive shadows or dark spaces, and views into and out of a site.

7.4.1.4 – The height restrictions of this Section 7.4.1.1 above shall not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, except where such lighting fixtures are located within 50 feet of the property line of a residential use or vacant residential lot. Lighting of outdoor performance areas, sport and recreation facilities, and playfields shall also meet the standards in Section 7.7.

7.5 Open-Air Parking Lot Lighting

7.5.1 – Open-air parking lots shall comply with the standards of this section in addition to the other requirements of this article.

7.5.2 – Open-air parking lot lighting shall be designed to provide adequate vision, comfort and safety.

7.5.3 – Open-air parking lot lighting shall be designed to provide for uniform lighting throughout the facility with no dark patches or pockets.

7.5.4 – Open-air parking lot lighting shall be designed to provide a minimum value of lighting necessary for the safety and identification of features.

7.5.5 – Open-air parking lot lighting shall not cause direct illumination on adjacent and nearby properties or streets. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.

7.5.6 – In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures serving open-air parking lots, except as allowed in Section 7.5.7, shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

7.5.7 – The Township may allow an exception to full cut-off fixtures in order to achieve a particular "period" or architectural style of lighting that is mutually beneficial to the applicant and the Township provided that:

7.5.7.1 – Mounting heights of such alternative fixtures shall not exceed 15 feet above grade or pavement.

7.5.7.2 – Reasonable measures shall be applied to minimize light trespass and light spill into the dark night sky.

7.5.8 – The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.

7.5.8.1 – The maximum permissible mounting height of open-air parking lot lighting fixtures within 50 feet of a residential use or zone shall be 15 feet.

7.5.8.2 – The maximum permissible mounting height of open-air parking lot lighting fixtures, not listed in Section 7.5.8.1 above, shall be 40 feet and shall be setback from the property line a distance equal to height of the light.

7.5.9 – The table below establishes open-air parking lot lighting standards¹.

Standard:	
Maximum footcandles on Pavement ²	0.2 fc
Maximum footcandles on Pavement	4.0 fc
Maximum footcandles at Property Line	0 fc
Uniformity Ratio (maximum:minimum) ³	20:1
Minimum footcandles at five (5) feet above Pavement ⁴	0.1 fc
<i>*fc=footcandle (a unit of illumination)</i>	

1. For typical conditions. During periods of non-use, the illuminance of certain parking facilities should be turned off or reduced to conserve energy. If reduced lighting is to be used only for the purpose of property security, it is desirable that the minimum (low point) value is not less than 0.1 footcandle. Reductions should

not be applied to facilities subject to intermittent night use, such as at apartments, hospitals and transportation terminals.

2. Measured on the parking surface, without any shadowing effect from parked vehicles or trees at points of measurement.

3. The highest horizontal illuminance point at grade, divided by the lowest horizontal illuminance point or area, should not be greater than the values shown.

4. Measured at 1.5 meters (5.0 feet) above parking surface at the point of the lowest horizontal illuminance, excluding facing outward along boundaries.

7.6 Canopy Lighting and Lighting of Service Stations

7.6.1 – Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

7.6.2 – Lighting levels shall be adequate to facilitate the activities taking place in such locations.

7.6.3 – In order to minimize the extent of direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from vertical. The figure below, entitled Recessed Fixture, illustrates this.

7.6.4 – As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

7.6.5 – Lights shall not be mounted on the top or sides (facias) of the canopy. The sided (facias of the canopy) shall not be illuminated in a manner other than the prescribes under the section of these regulations regulating signs.

7.6.6 – Areas around service station pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 footcandle and no more than 5.0 footcandles. The uniformity ratio (average illumination to minimum illumination) shall be no greater than 4:1.

7.7 Lighting of Outdoor Performance, Sport and Recreation Facilities and Playfields

7.7.1 – Lighting levels for outdoor performance areas, sport and recreation facilities, and playfields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards

7.7.2 – Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

7.7.3 – The main lighting should be turned off as soon as possible following the end of the event. The main lighting shall not remain on longer than 30 minutes following the end of the event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance and other closing activities. The low-level lighting system shall provide an average horizontal illumination level at grade of no more than 3.0 footcandles, with a uniformity ratio (average illumination to minimum illumination) not exceeding 4:1

7.8 Architectural Accent Lighting

7.8.1 – Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark, night sky. The Township may allow exceptions to this provision if minimal light escapes into the dark night sky or onto adjacent properties.

7.8.2 – Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets, or the night sky.

7.8.3 – The maximum illumination of any vertical surface in dark surroundings shall not exceed five footcandles.

7.8.4 – The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed five footcandles.

7.8.5 – Flags of the United States or Pennsylvania may be illuminated from below provided such lighting is focused primarily on the individual flag or flags to limit light trespass and spill into the dark night sky.

7.9 Lighting of Landscaping

Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

7.10 Temporary Lighting

7.10.1 – Lighting used to illuminate temporary uses shall be reviewed, and if necessary conditioned, through the Temporary Use Permitting Process.

7.10.2 – The Township may impose specific conditions for the lighting of temporary uses consistent with the purposes of this title.

ARTICLE 8 – Sign Regulations

8.1 Sign Policies

8.1.1 – It is the purpose of these provisions to place limitations on the display of signs to ensure that they will be appropriate to the community environment and functional for the intended purpose of identification, protection, or advertisement.

8.1.2 – Signs shall only be erected and maintained when in compliance with the provisions contained herein.

8.2 General Regulations

8.2.1 – It is the intent of these provisions that the sign types listed in Section 8.3 and preceded with an asterisk (*) shall be exempt from permitting requirements provided they comply with the standards for that sign type. Such signs are generally for public service purposes, are temporary or minor in nature.

8.2.2 – Regulated signs, not exempt from permitting requirements, shall comply with the standards for that sign type in Section 8.3.

8.2.3 Maximum Sign Area for Regulated Signs – A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of 1½ square feet for each lineal foot of building face parallel or substantially parallel to a street line. See Section 17.2 for definition of Sign Area.

8.2.3.1 – Where a lot fronts on more than one street the sign area allowed shall be based on the sum of all building faces with street frontage.

8.2.3.2 – A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft.

8.2.3.3 – There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found in Section 8.3 shall be met.

8.2.4 Sign Application and Permit – A sign permit shall be obtained from the Zoning Officer before any regulated sign is erected, displayed or structurally altered to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Township. Plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign shall be included with permit payments. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

8.2.5 Illumination of Signs – a sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

8.2.5.1 – All electricity illuminated signs shall conform to the current adopted version of the of the International Building Code.

8.2.5.2 – Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property.

8.2.5.3 – Except for Digital and Electronic Message Board signs, as defined in this Ordinance, no forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

8.2.5.4 – For an electronic graphic display sign the minimum message interval shall be 7 seconds between the start of displays in series.

8.2.5.5 – There must be no exposed connecting wires.

8.2.6 Setback Requirements – Unless otherwise specified in the Code, signs are exempt from setback requirements but must comply with Section 5.8 of this ordinance pertaining to intersection sight distance criteria.

8.2.7 Supports and Brackets – For a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

8.2.8 Table of Allowed Sign Uses by Zoning Districts –

SIGN TYPE <i>*no permit required</i>	Zoning District			
	<i>Conservation / Open Space</i>	Agriculture	Residential	Village
*Address or Identification sign	Yes	Yes	Yes	Yes
Awning	No	Yes	No	Yes
Community Directory sign	Yes	Yes	Yes	Yes
*Contractor sign	Yes	Yes	Yes	Yes
*For Sale / For Rent sign	Yes	Yes	Yes	Yes
Large Free Standing sign (<i>A & V districts</i>)	No	Yes	No	Yes
Small Free Standing sign (<i>all districts</i>)	Yes	Yes	Yes	Yes
Individual Letters or Symbols	No	Yes	No	Yes
Off Premises Directional sign	Yes	Yes	Yes	Yes
Off Premises Advertising sign (<i>highway billboard</i>)	No	Yes	No	No
*Political signs	Yes	Yes	Yes	Yes
Projecting sign	No	Yes	No	Yes
*Public Service sign	Yes	Yes	Yes	Yes
*Religious, Governmental, Charitable, or Fraternal sign	Yes	Yes	Yes	Yes
*Temporary Business sign	Yes	Yes	Yes	Yes
*Temporary sign for Special Events	Yes	Yes	Yes	Yes
Time or Temperature sign	No	No	No	Yes
Vehicle sign	Yes	Yes	Yes	Yes
Wall sign	No	Yes	No	Yes
*Window sign	Yes	Yes	Yes	Yes
*Yard Sale sign	Yes	Yes	Yes	Yes

8.3 Regulation by Sign Types – NOTE: No permit required if designated*

8.3.1 *Address or Identification Sign – one sign displaying the street number or name of the occupant of the premises, or both.

8.3.1.1 – Such sign may include identification of a Professional Office or Home Occupation (as defined in Article 17 of this Ordinance).

8.3.1.2 – Such sign may be attached to the building or may be on a rod or post not more than six (6) feet high, and at least three (3) feet in from the right-of-way line. No portion of the sign shall extend into the right-of-way or over a sidewalk.

8.3.1.3 – Such sign may not exceed four (4) square feet in area.

8.3.1.4 – Sign must be stationary and not contain any motorized moving parts.

8.3.1.5 – Memorial signs or tablets and signs denoting the date of erection of a building are also included in this category.

8.3.2 Awning Sign – A sign painted on or attached to a moveable metallic frame, of the hinged roll or folding type, which may have a covering either combustible or incombustible.

8.3.2.1 – Such sign must be painted on or attached flat against the surface of, but not extending beyond or attached to the underside.

8.3.2.2 – Letters shall not exceed ten (10) inches in height.

8.3.2.3 – There shall be a minimum clearance of 7 feet from the sidewalk to the lowest part of the framework or fixed portion of an awning except that the valance must have a minimum clearance of 6 ft. 9 inches above the sidewalk.

8.3.3 Community Directory Sign – An accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility.

8.3.3.1 – Such sign shall not exceed twenty (20) square feet in total area.

8.3.3.2 – One such sign for each property street frontage is allowed.

8.3.3.3 – Such sign shall not be located upon a public right-of-way.

8.3.4 *Contractor Sign – Is an off-premises sign identifying the contractor's name, address, and other pertinent information.

8.3.4.1 – Such sign may not exceed twelve (12) square feet.

8.3.4.2 – Such sign may be maintained on the lot, building or structure during construction and not exceeding fifteen (15) days following the completion of said construction, after which time the zoning officer is authorized to remove the sign at the expense of the sign owner.

8.3.4.3 – Such signs shall not be located upon a public right-of-way.

8.3.5 *"For Sale" or "For Rent" Signs – A sign advertising a property being sold or rented.

8.3.5.1 – Such signs shall not exceed six (6) square feet in all districts.

8.3.5.2 – A maximum of two (2) such signs may be maintained for the property being sold or rented.

8.3.5.3 – Such signs shall not be located upon a public right-of-way.

8.3.5.4 – Such signs must be removed fifteen (15) days following closing after which time the zoning officer is authorized to remove the sign(s) at the realtor's expense.

8.3.6 Free Standing Sign Village or Agriculture Districts (Large Size) – Is a self-supporting sign in a fixed location and not attached to any building or structure.

8.3.6.1 – Such sign shall have no more than two (2) faces.

8.3.6.2 – The area of each face shall not exceed fifty (50) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed one hundred (100) square feet.

8.3.6.3 – The top of such sign may not exceed a height of twenty (20) feet above grade.

8.3.6.4 – A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.

8.3.6.5 – Such signs shall be erected to not obstruct free egress to or from any building, or public right-of-way. No portion of such signs shall extend into a public right-of-way and if over a walkway shall have a minimum of ten (10) feet clearance.

8.3.6.6 – There must be no exposed connecting wires.

8.3.7 Free Standing Sign – All Districts (Small Size) – Is a self-supporting sign in a fixed location and not attached to any building or structure.

8.3.7.1 – Such sign shall have no more than two (2) faces.

8.3.7.2 – The area of each sign face shall not exceed nine (9) square feet.

8.3.7.3 – Such signs may extend over a public walkway but shall provide a minimum of ten (10) feet clearance.

8.3.7.4 – Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. No portion of such signs shall extend into a public right-of-way or over a sidewalk.

8.3.7.5 – There must be no exposed connecting wires and shall not be located in the public right-of-way.

8.3.8 Signs Comprised of Individual Letters or Symbols – Which are attached to an awning, marquee, a roof, building surface, wall, or signboard.

8.3.8.1 – The area to be computed is that of the smallest rectangle or other geometric shape which encompasses all the letters or symbols.

8.3.8.2 – These letters or symbols shall not project more than nine (9) inches from the building surface.

8.3.8.3 – Letter and symbols shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the letters and symbols are attached.

8.3.8.4 – Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.

8.3.9 Off-Premises Direction Sign – A sign stating the name(s) and directions to a business located off-premises (from the sign location). Requirements are as follows:

8.3.9.1 – The maximum sign area for a sign which provides directions to a single business shall be four (4) square feet. The maximum sign area for a sign serving more than one business, regardless of the number of businesses listed on the sign, shall be twenty (20) square feet.

8.3.9.2 – The maximum number of Off-Premises direction signs per business shall not exceed three (3).

8.3.9.3 – Such signs shall not be located upon a public right-of-way; the written permission of the property owner shall be furnished with the permit application.

8.3.9.4 – The direction sign shall comply with the visibility at intersection criteria specified in Section 5.8 of this ordinance and shall not be placed in a location which may obstruct the vision of vehicle operators at the intersection (see illustration below)

8.3.9.5 – Only one Off-Premises Direction sign shall be permitted on a lot, which shall be allowed in addition to any other sign limitations imposed by this Ordinance.

8.3.10 Off-Premises Advertising Sign (Highway Billboard Sign) – A sign with a fixed message or an electronic graphic display (see Section 17.2 for definition) stating the name of an advertised product or name(s), directions to a business and information concerning the business located off-premises (from the sign location). Requirements are as follows:

8.3.10.1 – The maximum sign area for such a sign shall be three hundred (300) square feet.

8.3.10.2 – For an electronic graphic display sign the minimum message interval shall be 7 seconds between the start of displays in series.

8.3.10.3 – Off-premises advertising signs shall be allowed only in the Agriculture District.

8.3.10.4 – The minimum separation between Off Premises Advertising Signs shall be five hundred (500) feet.

8.3.10.5 – The top of such sign may not exceed a height of fifty (50) feet above the road grade adjacent to the sign.

8.3.10.6 – There must be no exposed connecting wires.

8.3.10.7 – Such signs shall not be located upon a public right-of-way.

8.3.11 *Political Signs – A sign designed to influence the action of votes for: 1) the passage or defeat of a measure; or 2) the election of a candidate for nomination or election to public office at a national, state, or other local election.

8.3.11.1 – Such signs are permitted in any land use district if it is stationary, unlighted, temporary, and is not:

- (1) Erected earlier than forty-five (45) days prior to a primary or election;
- (2) Maintained for more than five (5) days following the primary or election;
- (3) Attached to a utility pole, fence, tree or other vegetation;
- (4) Erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic; and
- (5) Attached to any structure (except that such sign may be displayed in a window).

8.3.11.2 – Such sign may not exceed four (4) square feet in area.

8.3.11.3 – A maximum of two (2) signs per lot is allowed.

8.3.11.4 – Such signs shall not be located upon a public right-of-way or Township owned property.

8.3.12 Projecting Sign – A permanent sign that is hung at a 90-degree angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

8.3.12.1 – If flat, each face shall not exceed nine (9) square feet.

8.3.12.2 – The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.

8.3.12.3 – Such sign must be hung at right angles and shall not project beyond four (4) feet of the building face.

8.3.12.4 – The bottom of said sign shall have a ten (10) foot pedestrian clearance from sidewalk level.

8.3.12.5 – The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the zoning officer:

- (1) Suspended between the bottom of sills of the first level of windows above the first story and the top of doors or windows of the first story; or
- (2) The lowest point of the roof of a one-story building.

8.3.13 *Public Service Sign – A sign located for the purpose of providing a public service message or directions towards or indication of a use not readily visible from a public street (e.g. rest rooms, telephone, parking, shopping district, etc.).

8.3.13.1 – Such signs that are necessary for public safety and convenience shall not exceed four (4) square feet.

8.3.13.2 – Such signs may bear no commercial advertising. Civic organization sponsored public service signs shall not be considered commercial advertising.

8.3.13.3 – Such signs are not included in computing total sign area allowed.

8.3.14 *Religious, Governmental, Charitable or Fraternal Organization Signs –

8.3.14.1 – May include the flag, pennant or insignia of any government or of any religious charitable or fraternal organization.

8.3.15 *Temporary Business Signs –

8.3.15.1 – Such signs shall not be used for a period of more than sixty (60) days, except balloons containing advertisements, hot-air balloons or other inflatable objects used as temporary signs which are limited to a maximum of seven calendar days per year.

8.3.15.2 – A-frame signs and movable signs are permitted as long as the sign is secured to the ground so as to not become a hazard during wind conditions. The location shall not obstruct pedestrians nor restrict vehicular sight distance.

8.3.15.3 – No temporary sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

8.3.15.4 – No business shall exceed a maximum of fifty (50) square feet of temporary sign area at any time.

8.3.15.5 – Such signs shall not be located upon a public right-of-way.

8.3.16 *Temporary Signs for Special Events – Temporary signs which are to be erected for an authorized special event or purpose in the Township are permitted in all districts subject to the following:

8.3.16.1 – Signs which refer to any single temporary event or purpose, which do not exceed two (2) in number or eight (8) square feet in area and which are not to be located in any public right-of-way shall not require any Zoning Permit, provided that such signs shall be removed by the owner within seven (7) days after the circumstances leading to their erection no longer apply.

8.3.16.2 – Such signs shall not be located upon a public right-of-way.

8.3.17 Time or Temperature Sign – Includes clocks, time and temperature signs and barber poles.

8.3.17.1 – Shall not exceed twenty-five (25) square feet.

8.3.17.2 – Shall not extend into any highway right-of-way.

8.3.17.3 – Any commercial advertisements attached to such structure must be permitted or licensed.

8.3.18 Wall Sign – A sign which is attached parallel on the exterior surface of a building or structure.

8.3.18.1 – The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.

8.3.18.2 – Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

8.3.19 *Window Sign – A permanent non-illuminated sign painted on the inside or outside glass of a window.

8.3.19.1 – The total area of a window sign shall not exceed 30% of the total glass area of the ground floor facade of that commercial property.

8.3.19.2 – Contents of such sign shall advertise only an on-premises use.

8.3.20 *Yard Sale Sign –

8.3.20.1 – Temporary signs for yard sales may be displayed no more than three times per calendar year per property.

8.3.20.2 – Each sign display may last up to three days.

8.4 Prohibited Signs

Prohibited Signs shall include:

8.4.1 – Signs, other than municipal traffic signs, located in a public right-of-way.

8.4.2 – Any sign, as defined in this Ordinance which flashes, rotates, or has a motorized part that is visible from a public street. Digital and Electronic Message Board signs shall be exempt from this provision.

8.4.3 – Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.

8.4.4 – Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.

8.4.5 – Any sign or sign structure which:

1. It is structurally unsafe;
2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
3. Is not kept in good repair, or;

4. It can cause electrical shocks to people likely to come in contact with it.

8.4.6 – Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.

8.4.7 – String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.

8.4.8 – Spinners and streamers.

8.4.9 – Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.

8.4.10 – Any sign affixed to a fence, utility pole or utility structure, light pole, signpost, or tree, shrub, rock or other natural objects.

8.4.11 – Off premise signs except Off Premises Direction Sign (see Section 8.3.9) or Off Premises Advertising Sign (see Section 8.3.10).

8.4.12 – Portable or moveable signs other than as temporary signs. (See Section 8.3.15.2).

8.4.13 – Signs which depict nudity or sexual conduct (See also Section 4.2 for Adult Entertainment uses)

8.5 Maintenance

Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in a good state of repair, written notice for compliance will be sent to the person responsible for maintaining the sign. If the defect in the sign is not corrected within the time stipulated by the Zoning Officer, the permit will be revoked; sign removed and kept until the owner pays the cost of removal.

ARTICLE 9 Off-Street Parking and Loading Standards

9.1 Off-Street Parking and Loading

Off-street parking shall be provided in accord with the requirements of this article at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

9.1.1 Development and Maintenance of Parking Facilities – Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

9.1.1.1 – Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent or nearby lot owned or controlled by the applicant (see Section 9.1.1.9), or that shared parking facilities are provided in accord with Section 9.1.1.10;

9.1.1.2 – Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas should be designed so there will be no need for motorists to back over public walkways or right-of-way, except that single family and double dwellings need not comply with this requirement;

9.1.1.3 – Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet, except that single family and double dwellings need not comply with this requirement. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or planting shall be permitted within the clear sight triangle of any intersection (see Section 5.8).

9.1.1.4 – The parking area, service drives and entrance and exit lanes shall be constructed of a stabilized base (e.g. 4" of 2A subbase) with a suitable all-weather surface, be graded for proper drainage, and maintained in good repair. If more than five (5) spaces are to be provided in a parking area, the surface of the parking area shall be considered as impervious for the purposes of preparing a storm water management plan for the site.

9.1.1.5 – Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'). Parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21');

9.1.1.6 – Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a residential use. Such screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in Section 5.13 of this Ordinance;

9.1.1.7 – In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;

9.1.1.8 – Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways. Lighting shall not be required for agriculture uses, single and duplex dwellings, for parking lots less than 5 spaces in size, or for other uses that do not have night-time hours. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan in accordance with Article 7, Exterior Lighting Standards, shall be submitted to the Zoning Administrator to determine whether the requirements of this Section have been met, and that adjoining property will not be adversely impacted by the proposed lighting.

9.1.1.9 – In accordance with special exception procedures, the Zoning Hearing Board may authorize the use of an adjacent or nearby lot owned or controlled by the applicant.

9.1.1.10 – The required parking spaces for two or more uses may be shared provided that the Zoning Hearing Board shall determine that the uses have distinct and different peak hour requirements; for example, a use with evening or Sunday hours may share parking with a use that has daytime hours.

9.1.2 Number of Off-Street Parking Spaces Required – In all districts, the required number of off-street parking spaces shall be provided as set forth in the following table. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

Type of Use	Required Spaces - Minimum
RESIDENTIAL USES	
Single- or Two-Family, Townhouse, or Family-based Group Home	2 per dwelling unit
Multiple Family Dwelling	2 per dwelling unit; 1 for each unit of elderly housing
Mobile Home Parks	2 per mobile home lot
INSTITUTIONAL USES	
Corrective / Penal Institution	1 per (5) persons of total facility capacity + 1 per employee on maximum work shift
Day Care Center	1 per (5) students / clients + 1 per employee
Family Day Care Home	2 per dwelling unit + 2 customer spaces
Group Care Facility	1 per (2) residents + 1 per employee on max. work shift
Nursing Home or Retirement Home	1 per (2) beds + 1 per employee on max. work shift
Elementary Schools	5 per classroom + 1 per employee
Middle or High School, Post Secondary Facility	1 per (4) auditorium seats or gym capacity (use the greater)
Churches, Social Halls, and similar places of public or private assembly; gov., municipal, or community buildings	1 per (3) seats of total capacity
Libraries, museums, and other cultural facilities; fire or police stations	1 per (200) sq. ft. of gross floor area
Hospitals or Health Care Facilities	1 per (2) beds + 1 per employee on max. work shift
COMMERCIAL / RETAIL USES	
Retail stores, service or repair business, agricultural business, or shopping centers	1 per (400) sq. ft. of gross floor area + 1 per employee on max. work shift
Restaurant	1 per (2.5) seats of total capacity + 1 per employee on max. work shift
Animal Hospital, or Kennel	1 per (300) sq. ft. of gross floor area + 1 per employee on max. work shift
Automotive, truck, or motorcycle sales or repair	1 per employee + 2 per service bay + 1 per (400) ft. ² of interior sales & display area only, and 1 per (7,000) ft. ² of outdoor display area
Business or Professional Office, or Financial Institute	1 per (250) sq. ft. of gross floor area + 1 per employee
Medical, Dental, or Veterinary Offices	5 per doctor + 1 per employee
Home Occupation, Home-based business	2 per dwelling unit + 2 customer spaces
Bed & Breakfast	1 per guest room + 2 for the dwelling unit
Motel or other similar lodging establishment	1 per guest room + 1 per employee on max. work shift

Funeral Home	1 per (5) sq. ft. of assembly area + 1 per employee (20 min.)
Clubs, fraternal organizations or similar use	1 per (150) sq. ft. of gross floor area
INDUSTRIAL USES	
Manufacturing, warehousing, industrial surface mining operation, waste storage, or processing facility	1 per employee on max. work shift
Distribution Center	1 per (500) sq. ft. of gross floor area + 1 per employee on max. work shift
Lumber Yard, saw mill, junk yard, salvage yard, contractor shop or yard	1 per employee + 6 customer spaces
RECREATIONAL USES	
Parks & Playgrounds	1 per (5) persons of total capacity
Commercial or Institutional Rec. Developments	1 per (3) persons of total capacity + 1 per (2) employees
Campgrounds or RV Parks	2 per camping space + 1 additional space per (5) camping spaces

9.1.3 Handicapped Parking – The parking lot design shall provide handicapped accessible parking spaces and sidewalks in accord with current ADA or IBC standards.

9.1.4 Off-Street Loading –

9.1.4.1 – Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS	
Gross Floor Area	Minimum # of Berths
0 – 25,000 sq. ft.	1
25,001 sq. ft. or greater	2

9.1.4.2 – The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet except where semi-trailers are expected to be used and then the minimum area shall be seven hundred (700) square feet.

9.1.4.3 – At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.

ARTICLE 10 Nonconformities

10.1 Overview

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

10.2 Non-conforming Lots, Uses, and Structures

10.2.1 Nonconforming Lots – A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including building lines and setbacks shall apply. The variance of setback requirements shall be obtained only through the action of the Zoning Hearing Board.

If two or more lots with common ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this Ordinance, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Ordinance.

10.2.2 Nonconforming Uses – A use legally existing at the time of adoption of this Ordinance which becomes a non-conforming use in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became nonconforming. The use shall not be permitted to change to any use that is different from the nonconforming use and not in compliance with the use regulations for the district where the use is located.

10.2.3 Nonconforming Structures – A structure legally existing at the time of adoption of this Ordinance which becomes a non-conforming structure in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the structure shall only be modified minimally in accordance with the provisions of this Ordinance. The structure shall not be permitted to change in such a fashion as to make the nonconforming structure a greater non-conformity to adversely affect the character of the neighborhood or district in which it is located.

10.3 Abandonment

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the district regulations. A nonconforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuation.

In the event of destruction or total casualty loss to a nonconforming building or structure, a one (1) year extension may be granted by the Zoning Officer provided that the owner shall, prior to the expiration of the initial one (1) year period provided for in the forgoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

10.4 Repairs and Reconstruction

10.4.1 – Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure, or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

10.4.2 – A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

10.4.2.1 – The reconstruction starts within one (1) year of the damage;

10.4.2.2 – The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;

10.4.2.3 – The location of the reconstruction does not create a safety hazard;

10.4.2.4 – The reconstruction of a nonconformity located in the 100 year floodplain shall comply with the section dealing with Existing Structures in the Nippenose Township Floodplain Ordinance (Ordinance 2016-79).

10.5 Extension or Enlargement

10.5.1 – A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension, however, a Zoning Permit shall be obtained from the Zoning Officer.

10.5.2 – Structural alterations proposed to extend a nonconforming structure may be authorized as follows:

10.5.2.1 By the Zoning Officer, provided that –

(a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and

(b) The proposed extension or enlargement of the nonconforming use shall not exceed 50 percent of the gross floor area of the structure or use, with such gross floor area to be measured at such time that the use became nonconforming.

10.5.2.2 By the Zoning Hearing Board upon application for a variance, provided that –

(a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and

(b) The proposed extension or enlargement of the nonconformity which exceeds 50 percent of the gross floor area of the structure or use is approved by a variance issued by the Zoning Hearing Board.

10.5.3 – For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), an expansion not exceeding 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance may be authorized by the Zoning Hearing Board.

10.5.4 – A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

10.5.5 – Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

10.6 Change of Use

10.6.1 – Any non-conforming use may be changed to another non-conforming use by Special Exception provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.

10.6.2 – A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

10.7 Registration of Non-conforming Uses, Structures and Lots

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

ARTICLE 11-13 Reserved

ARTICLE 14 Zoning Hearing Board Proceedings

14.1 Organization and Procedure

14.1.1 Establishment – Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for Nippenose Township.

14.1.2 Appointment and Membership – The Zoning Hearing Board shall consist of three (3) members who are residents of Nippenose Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of the appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township's intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

14.1.3 Appointment to Fill Vacancies – Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

14.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

14.2.1 To Hear and Decide Requests for Special Exceptions – The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria of the Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance.

14.2.2 To Hear and Decide Appeals –

14.2.2.1 – The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order, or the registration or refusal to register any nonconforming use, structure, or lot.

14.2.2.2 – The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.

14.2.2.3 – The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

14.2.2.4 – The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer regarding any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary.

14.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance –

14.2.3.1 – The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.

14.2.3.2 – The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

14.2.4 To Hear and Decide Requests for Variances – The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted, which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and a public hearing (see Section 17.2). The Zoning Hearing Board may grant a variance, if all the following findings are made where relevant in a given case:

14.2.4.1 – that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

14.2.4.2 – that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

14.2.4.3 – that such unnecessary hardship has not been created by the applicant;

14.2.4.4 – that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

14.2.4.5 – that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

14.3 Hearing Procedures

14.3.1 Parties Appellant Before the Board – Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

14.3.2 Time Limitations – No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

14.3.3 Application Required – All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

14.3.3.1 – the name and address of the applicant or appellant;

14.3.3.2 – the name and address of the owner of the parcel to be affected by such proposed change or appeal;

14.3.3.3 – a brief description and location of the parcel to be affected by such proposed change or appeal;

14.3.3.4 – a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and

14.3.3.5 – a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

14.3.4 Procedure for Zoning Officer –

14.3.4.1 – The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.

14.3.4.2 – The Zoning Officer may recommend to the Zoning Hearing Board a modification or reversal of recommended action in cases where substantial justice requires the same but where he does not have sufficient authority to depart from the regulations.

14.3.5 Hearing Required and Notice of Hearings – The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon filing an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

14.3.5.1 – Public notice in accordance with the definition of Public Notice in Section 17.2 of this Ordinance.

14.3.5.2 – Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;

14.3.5.3 – Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Township Planning Agency shall be given notice at least 30 days prior to the hearing); and

14.3.5.4 – In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

14.3.6 Rules of Conduct – The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall include the vote, failure to vote, or absence from the vote of each member upon each question. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to act.

14.3.7 Decisions – The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

14.3.8 Expiration of Appeal Decision – Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain a Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

14.3.9 Required Interval for Hearings on Applications and Appeals after Denial – Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, which must be a majority of the total members.

14.3.10 Failure to Hold Required Hearing or Render Decision – If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in

favor of the applicant. However, the applicant may agree in writing to an extension of the 60-day (see Section 14.3.5) and/or 45-day (see Section 14.3.7) time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

14.3.11 Stay of Proceedings – An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

14.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within 30 days to the Court of Common Pleas of Lycoming County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 15 Amendments and Conditional Uses - Board of Supervisors

15.1 Amendments to Zoning Ordinance or Map

The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1 Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

15.1.1 Review by Planning Agency – Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Agency and the County Planning Commission at least 30 days before the public hearing thereon. If the Planning Commission(s) fails to file such report before the public hearing, it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

15.1.2 Public Hearing – Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along with property description to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted as required above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by first class mail to all real estate taxpayers within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of the subsection.

15.1.3 Opportunity to be Heard – At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

15.1.4 Notice of Enactment – Prior to acting on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

15.1.5 Enactment of Amendment – The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing. The vote of the Supervisors shall be within 90 days after the last public hearing. If the Supervisors fail to act within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after the enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

15.1.6 Landowner Curative Amendments – A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body. The proposed amendment shall be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code.

15.1.7 Municipal Curative Amendment – If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code.

15.2 Conditional Uses

The Township Supervisors may grant Conditional Use approval for only those instances specified in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

15.2.1 Application Procedure – Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such a request.

15.2.2 Written Statement – All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such a statement should include the following information:

15.2.2.1 – the location of the tract of land;

15.2.2.2 – the present use of the tract for which the conditional use is requested;

15.2.2.3 – the present use of adjoining tracts;

15.2.2.4 – the type of conditional use for which the application is made;

15.2.2.5 – a brief description of the type and extent of the proposed activities;

15.2.2.6 – an estimate of the total development cost of the conditional use; and

15.2.2.7 – the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

15.2.3 Site Plan – All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

15.2.3.1 – title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;

15.2.3.2 – tract boundaries showing bearings and distances;

15.2.3.3 – existing significant natural or man-made features of the site;

15.2.3.4 – existing and proposed streets, rights-of-way, easements, means of access and setback lines;

15.2.3.5 – existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;

15.2.3.6 – existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;

15.2.3.7 – proposed grading and drainage plan;

15.2.3.8 – proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;

15.2.3.9 – plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and

15.2.3.10 – location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where minor site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases, however, the information submitted shall be adequate for review of the Conditional Use request.

15.2.4 Hearing Requirements – Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to Public Notice, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

15.2.5 Criteria for Review and Approval of Conditional Use – The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

15.2.5.1 – the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;

15.2.5.2 – whether the specific site is an appropriate location for the use, structure or condition;

15.2.5.3 – whether the use developed will adversely affect the neighborhood;

15.2.5.4 – whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

15.2.5.5 – whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

15.2.5.6 – the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and

15.2.5.7 – whether satisfactory provision and arrangement has been made concerning the following:

- ingress and egress to the property and structure therein with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or another emergency;
- off-street parking and loading areas;
- waste collection, storage or disposal;
- utilities, with reference to location, availability and compatibility;
- screening and buffering with reference to type, dimensions and character;
- signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
- required yards and open spaces.

15.2.6 Decisions – The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons, therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate considering the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

15.2.7 Failure to Hold Required Hearing or Render Decision – Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Section 15.2.4 and 15.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the

record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

15.2.8 Expiration of Decision – Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

15.2.9 Appeals – Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision in litigation.

ARTICLE 16 Administration and Enforcement

16.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 16.2 herein.

16.2 Powers and Duties of the Zoning Officer

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 the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 16.2.1 – Receive and evaluate applications for permits, certificates, variances, special exception or conditional uses, appeals and other applications within the terms of this Ordinance;
- 16.2.2 – Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 16.2.3 – Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon the written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Board of Supervisors, as appropriate;
- 16.2.4 – Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 16.2.5 – Examine land, buildings, and structures to determine their consistency with the Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable time and upon presentation of proper credentials;
- 16.2.6 – Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 16.2.7 – Issue written enforcement notices as specified in Section 16.6 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;
- 16.2.8 – Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made;
- 16.2.9 – Serve as the Township Floodplain Administrator when assigned that duty by the Board of Supervisors;
- 16.2.10 – Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;

16.2.11 – Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding whether a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the area. Such a notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;

16.2.12 – Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;

16.2.13 – Identify and register nonconforming premises in accord with the Nonconforming Regulations of Article 10; and

16.2.14 – Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

16.3 General Procedure: Zoning Permit Required

If required, persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer to the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

16.4 Zoning Permits and Certificates

16.4.1 Classes of Zoning Permits – Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

16.4.1.1 – Permitted Use - Issued by the Zoning Officer on the authority granted herein;

16.4.1.2 – Special Exception Use - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;

16.4.1.3 – Conditional Use - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;

16.4.1.4 – Permit on Appeal or Variance - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

16.4.2 Requirement for Zoning Permits – A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 8; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances, additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exceptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

16.4.2.1 – interior alterations when there is no increase in ground floor exterior dimension and no change in use;

16.4.2.2 – exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;

16.4.2.3 – cultivation of crops;

16.4.2.4 – landscaping including the erection of land terraces, steps or other similar features;

16.4.2.5 – placement or location of utility distribution lines; or

16.4.2.6 – razing of buildings or structures.

16.4.3 Application – Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

16.4.4 Plan Requirements – All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed, and all fees have been paid to the Township.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

16.4.5 Proof of Compliance – It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also, if the PA Department of Labor and Industry, the Department of Transportation, County Conservation District (E&S Controls), PA DEP (state and federal environmental plans and/or permits, e.g. NPDES), or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

16.4.6 Changes – After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the Zoning Officer for consideration.

16.4.7 Permit and Permit Placard – In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

16.4.8 Time Limitations – An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued, or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

16.4.9 Expiration of Permit – If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

16.4.10 Inspections – During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

16.4.11 Revocation of Permit – The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Board of Supervisors.

16.4.12 Temporary Use Permits – It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time-period by a use other than those normally permitted. In this case, the Zoning Hearing Board may approve such temporary use and issue a Temporary Use Permit for the time-period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

16.4.13 Occupancy Permits – Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

16.5 Violations

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Occupancy, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

16.6 Enforcement Notice

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation by sending an enforcement notice stating at least the following:

16.6.1 – The name of the owner of record and any other person against whom the municipality intends to act.

16.6.2 – The location of the property in violation.

16.6.3 – The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

16.6.4 – The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

16.6.5 – That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.

16.6.6 – That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

16.7 Cause of Action

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

16.8 Enforcement Remedies

16.8.1 – District justices shall have initial jurisdiction over proceedings brought under Section 16.8.2.

16.8.2 – Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Nippenose Township the right to commence any action for enforcement pursuant to this section.

16.9 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.

Any fees paid by a party for an appeal of an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

ARTICLE 17 Definitions

17.1 Applicability and Interpretation

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; 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”; the word “shall” is intended to be mandatory; the word “abut” shall include the words “directly across from”.

17.2 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

- **Abutting:** Having a common border with, or being separated from such common border by, an alley or easement.
- **Access:** A means of vehicular approach or entry to or exit from property.
- **Accessory Apartment:** A single apartment unit built within the exterior walls of a single family detached dwelling existing prior to adoption of this Ordinance. See Section 5.2.5.
- **Accessory Use or Structure:** A use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building. See Sections 5.2 and 5.3.
- **Adult Day Care Center:** A facility for the supervised care of older adults, providing activities such as meals and socialization one or more days a week during specified daytime hours. The participants, primarily persons with physical and/or mental limitations who need socialization, physical assistance, and/or psychological assistance, return to their homes each evening. The program is often used as respite by family members caring for an older person who cannot be left alone safely in the home.
- **Adult Entertainment:** Adult bookstores, topless or bottomless bars, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.
- **Agricultural Business:** A business which offers at least twenty-five percent (25%) of its services to the agricultural sector including the processing and sale of agricultural products/supplies or the sale and/or repair of agricultural equipment.
- **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 enterprises that implement changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
- **Alteration:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- **Alteration, Structural:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- **Amendment:** A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Township Board of Supervisors.

- **Animal Hospital:** A facility operated by a Doctor of Veterinary Medicine for the care and treatment of animals where the indoor boarding of animals is limited to short-term care incidental to the hospital use.
- **Animal Kennel:** A facility involved in the boarding, breeding, grooming, sale or training of four or more dogs over six months of age and for which a fee is charged.
- **Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Articles 14 and 15.
- **Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
- **Application for Development:** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
- **Automotive Repair Facility:** A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.
- **Automotive Sales Facility:** Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work.
- **Automotive Service Station:** A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.
- **Basement:** A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.
- **Bed and Breakfast Inn:** A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.
- **Billboard:** See Sign, Off Premises Advertising.
- **Blade Length:** The length measured from the tip of any blade to the hub of the nacelle structure that houses all the generating components to which blades are attached).
- **Board:** The Board of Supervisors for Nippenose Township, Lycoming County, Pennsylvania.
- **Boarding House:** Any dwelling in which no more than four (4) persons are housed or lodged for hire with or without meals. A lodging house or a furnished-room house shall be deemed a boarding house. This use shall not include Family Based Group Home and Group Care Facility.
- **Building:** A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers used for human occupation.
- **Building Area:** The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.
- **Building Coverage:** The portion of a lot, expressed as a percentage that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.
- **Building Height:** The vertical distance measured from the average elevation of the proposed finished grade along the wall of the building (or adjacent to the side of a non-building use), to the highest point of the roof or parapet for flat roofs, and to the mean height between eaves and ridge for gable, hip, or gambrel roofs.
- **Building – Principal:** A building(s) housing the main or principal use of the lot on which the building is situated.

- **Campground:** A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, recreational vehicles, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as an Outdoor Recreation Area.
- **Carport:** An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.
- **Central Water or Sewer:** A water or sewer distribution system, which serves facilities on a community, area wide or regional basis. The facility company must be approved by and (or) licensed by the appropriate State or Federal agencies.
- **Certificate of Occupancy:** A statement signed by the Zoning Officer setting forth that a building complies with the provisions of the Ordinance, or that a building, structure, or a parcel of land is lawfully employed for a specified use and suitable for occupancy for purposes consistent with this Ordinance.
- **Child Care Center:** A facility of seven (7) or more children not related to the operator, not in a residence, license and inspection required by the PA Dept. of Human Services.
- **Clear Sight Triangle:** An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway lines.
- **Club:** The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.
- **Cluster Subdivision:** A large-scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements is permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The overall dwelling unit density of the underlying district cannot be exceeded in this type of development.
- **Commercial:** Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.
- **Commission:** The Planning Commission of Nippenose Township, Lycoming County, Pennsylvania.
- **Common Open Space:** A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
- **Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include utility pole mounted DAS antenna and equipment nor private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
- **Communications Equipment Building:** An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.
- **Communications Tower:** A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.
- **Community System:** A central water or sewerage system, the rates and service of which are not controlled by a government authority.
- **Comprehensive Plan:** A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Township. The

Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

- **Concentrated Animal Feeding Operations:** An Agricultural Operation with more than 1,000 animal equivalent units (AEUs), or operations with 301 to 1,000 AEU's, which have the potential to discharge to surface waters of the Commonwealth. An AEU is defined as 1,000 lbs. of live animal weight.
- **Concentrated Animal Operations:** An Agricultural Operation where the animal density exceeds two animal equivalent units (AEUs) per acre on an annualized basis. An AEU is defined as 1,000 lbs. of live animal weight.
- **Conditional Use:** A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission.
- **Condominium:** A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- **Consistency:** An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.
- **Construction:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of mobile homes.
- **Contractor:** A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.
- **Contractor's Yard:** Land that is used for the storage and maintenance of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business. A single vehicle and trailer stored at a residence shall not be considered a contractor's yard.
- **Convenience Market:** A small retail store, which may be franchised, offering a limited selection of food and household products and staying open for longer hours at a convenient location. This use may also include the sale of motor vehicle fuels but does not offer motor vehicle repairs.
- **Correctional Facility:** An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, honor camps, houses of correction, jails, prisons, prison farms, juvenile detention centers, penitentiaries, reformatories, training schools for delinquent offenders and other adjudicated individuals, and halfway homes for delinquents, offenders, and other adjudicated individuals.
- **County Comprehensive Plan:** A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.
- **Cultivation of Crops:** The use of land for the raising of crops and excluding the keeping of animals.
- **DAS: Distributed Antenna System:** A wireless communication technology utilizing utility pole mounted antenna and equipment to communicate with Communications Towers.
- **Decibel:** The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.
- **Decision:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

- **Density:** A measure of the number of dwelling units which occupy, or may occupy, an area of land.
- **Density, Net Residential:** The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.
- **Density, Gross Residential:** The number of dwelling units in relation to an area of land way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.
- **Department:** The Department of Environmental Protection of the Commonwealth of Pennsylvania.
- **Determination:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:
 - The governing body.
 - The zoning hearing board.
 - The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or Cluster Subdivision provisions.
 - Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.
- **Developer:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- **Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.
- **Development of regional significance and impact:** Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.
- **District or Zone:** A portion of the area of Nipponese Township, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.
- **Drilling:** The digging or boring of a well, either vertically or horizontally, for the purpose of exploring for, developing or producing oil or gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.
- **Drilling Pad:** The area or surface operation surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling site.
- **Drug and Alcohol Treatment Facility:** The physical location in which ongoing, structured and systematic drug and alcohol services are provided, including residential or non-residential facilities.
- **Dwelling:** "Dwelling" means any building or portion thereof which is designed or used for residential purposes. The term "dwelling" shall not be deemed to include motel, rooming house, tourist home, hotel, hospital, or nursing home.
- **Dwelling, Farm:** A dwelling unit located on a farm and used for the residence of the proprietor of a farm or persons necessary for the operations of the farm, in same ownership as the farm on which the dwelling is constructed.
- **Dwelling, Manufactured (Mobile) Home:** A single-family detached factory manufactured dwelling built on a chassis, subject to the Manufactured Home Construction and Safety Standards (HUD) Code, whether or not wheels, axles, hitch, or foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- **Dwelling, Manufactured (Modular) Home:** A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation. The

placement of such dwelling unit(s) on a site shall meet all the requirements herein addressed to a conventionally built dwelling.

- **Dwelling, Multiple Family:** "Multiple family dwelling" means a building designed for or containing more than two dwelling units, sharing access from a common hall, stair, or balcony.
- **Dwelling, Seasonal:** A part-time dwelling utilized in conjunction with recreational pursuits and for the enjoyment of the outdoors.
- **Dwelling, Single-Family Detached:** "Single-family detached dwelling" means a dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.
- **Dwelling, Townhouse:** A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.
- **Dwelling, Two-Family:** "Two-family dwelling" means two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.
- **Dwelling Unit:** "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- **Easement:** Authorization by a property owner for use by another of any designated part of his property for a specified purpose.
- **Essential Services:** Municipal utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, pole mounted DAS antennas and traffic signals, hydrants, and other similar equipment.
- **Facility Boundary:** The property lines of the lot, parcel, tract or group of lots, parcels or tracts upon which any non-residential structure or use is proposed.
- **Facility Site:** All contiguous land owned or under control of an owner or operator of a waste storage or processing facility.
- **Family:** For purposes of this Ordinance, "family" and "single family" shall mean any of the following:
 - an individual residing alone in a dwelling; or
 - two or more persons related, by blood or marriage, or adoption (being hereinafter called "related persons"); or
 - no more than three unrelated persons.
- In addition, up to six foster children residing with an individual or with two or more related persons shall be considered part of a "family" for purposes of this Ordinance.
 - Any other combination of persons shall not be a "family" or "single family" for purposes herein of.
- **Family Child Care Home:** A facility of four (4), five (5), or six (6) children unrelated to the operator, in a residential setting that must be registered but does not require an inspection by the PA Dept. of Human Services.
- **Fill:** Sand, gravel, earth or other material placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a regulated water of the Commonwealth of Pennsylvania.
- **Floodplain Management Ordinance:** An ordinance adopted by Nippenose Township to obtain participation in the National Flood Insurance Program (NFIP).

- **Forestry:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
- **Garage, Private:** Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.
- **Garage, Public Parking:** Structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.
- **General consistency, generally consistent:** That which exhibits consistency.
- **Governing Body:** The Board of Township Supervisors, Township of Nippenose, County of Lycoming, Commonwealth of Pennsylvania.
- **Grade:** Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.
- **Natural:** The elevation of the original or undisturbed natural surface of the ground.
- **Subgrade:** The elevation established to receive top surfacing or finishing materials.
- **Group Child Care Home:** A facility of seven (7) to twelve (12) children not related to the operator, in a residential setting which is licensed and inspected by the PA Dept. of Human Services.
- **Group Home:** A residence occupied by a group of persons unrelated by blood, marriage, adoption or guardianship that live together as a single housekeeping unit. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. This category does not include childcare facilities, institutional residences or a correctional facility.
- **Habitable Floor Area:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered habitable space.
- **Hazardous Waste:** A waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.
- **Historic Structure:** Any structure that is:
 - Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 - By an approved state program as determined by the Secretary of the Interior or
 - Directly by the Secretary of the Interior in states without approved programs.
- **Hobby Farm:** The raising or boarding of animals, livestock or poultry for personal use on a small farm operated for pleasure or supplemental income rather than for primary income.
- **Home Based Business:** A business conducted on a lot in conjunction with a residential dwelling unit. Such uses include baking and catering, lawn mower, or appliance repair shops; bike shops; carpentry, woodworking, or

metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

- **Home Based Business, No Impact:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of Section 4.20.
- **Home Gardening:** The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.
- **Home Occupation:** Any lawful, service-oriented occupation, profession or second occupation customarily conducted entirely within a dwelling or on a farm and carried on by the inhabitants thereof, which is clearly incidental, secondary, and consistent with the use of the premises for dwelling or agricultural purposes and does not change the character thereof. Home occupation is deemed to include Barber, Hairdresser, Tailor, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Teacher, Realtor, Insurance Agency, Minister, Municipal Officials, Family Day Care Home, Craft Shop, Repair Shop, and other uses of the same general character.
- **Homeowner's Associations:** An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Planned Residential Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.
- **Hospital:** an institution providing medical, surgical, or psychiatric testing and treatment for people who are ill, injured, pregnant, etc. on an inpatient, outpatient, or emergency basis.
- **Hotel or Motel:** A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.
- **Hydraulic Fracturing:** The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.
- **Impervious Surface:** That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.
- **Institutional Residence:** Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, and where medical care at less than hospitalization is an element. These uses include, but are not limited to: group foster homes; nursing homes; retirement homes; personal care or assisted living facilities; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and disturbed individuals; homes for the deaf and blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes treated by more than 10 residents, excluding staff. Residents of these facilities would be housed where there is commercial rental or condominium ownership is also included in this category. Such facilities may also require licensing by the Pennsylvania Department of Health or the Pennsylvania Department of Human Services or other State agencies.
- **Junk:** Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, wood, industrial waste and reuse of any type of materials, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal. Materials at a properly maintained recycling drop off site or center may not be considered junk.
- **Junk Yard Or Salvage Yard:** Any place where any junk as hereinafter defined is stored or disposed of.
- **Kennel:** See Animal Kennel.

- **Land Development:** (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) The division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - A subdivision of land.
 - Except that the following shall be excluded from this definition:
- (i) The conversion of an existing single-family detached dwelling or double dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (iii) the addition or conversion of buildings or rides within the confines of an enterprise, which would be, considered an amusement park. For the purpose of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.
- **Landowner Curative Amendment:** A landowner challenge on substantive grounds to the validity of a zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest. See Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended.
- **Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
 - **Lot Area:** The computed area contained within the lot lines exclusive of any street right-of-way.
 - **Lot, Corner:** A lot abutting the intersection of two streets.
 - **Lot Depth:** The mean horizontal distance between the front and rear lot lines.
 - **Lot Lines:** The property lines bounding the lot.
 - **Lot Line-Front:** The lot line separating the lot from the street right-of-way line.
 - **Front Lot Line of a Corner Lot:** In the case of a corner lot the front lot line shall be defined by the street address of the lot.
 - **Lot Line-Rear:** The lot line opposite and most distant from the front lot line.
 - **Lot Line-Side:** Any lot line other than a front or rear lot line.
 - **Lot Width:** The width of the lot between side lot lines at the front building lines as prescribed by the front yard regulations.
- **Manufactured Housing:** see Dwelling - Manufactured.
- **Mediation:** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- **Medical Marijuana Grower/Processor:** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

- **Medical Marijuana:** Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.
- **Medical Marijuana Organization or Facility:** A dispensary or a grower/processor of marijuana for medical purposes.
- **Medical Offices, Clinic, Surgery Center:** A place where outpatients are studied or treated by generalist or specialist physicians and assisting staff practicing as a group, excluding a Drug and Alcohol Treatment Facility as defined by this Ordinance.
- **Metering Station:** A permanent structure that is used as a midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.
- **Minerals:** Any aggregate or mass of mineral matter, whether coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.
- **Mixed Occupancy:** The use of a lot for more than one principal use.
- **Mobile Home:** See Dwelling.
- **Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement therein of mobile homes.
- **Motel or Hotel:** A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.
- **Multimunicipal plan:** A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- **Multiple Family Dwelling Development:** A new multi-family dwelling construction project requiring compliance with the Township Subdivision and Land Development Code in addition to requirements of this Ordinance.
- **Municipal Curative Amendment:** An amendment procedure that can be utilized if a municipality determines that its zoning ordinance or any portion thereof is substantially invalid. - See Section 609.2 of the Municipalities Planning Code.
- **Municipal engineer:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.
- **Municipality:** Shall mean the municipal corporation known as the Township of Nippenose, Lycoming County, Pennsylvania.
- **Municipal Waste Landfill:** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.
- ****NPDES Permit (National Pollution Discharge Elimination System Permit):** A federal permit program that addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.
- **Natural Gas Compressor Station:** A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

- **Natural Gas Processing Plant:** A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.
- **No Impact Home Based Business:** see Home Based Business, No Impact.
- **Non-conforming Lot:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- **Non-conforming Structure:** A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, nonconforming signs.
- **Non-conforming Use:** A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto 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 to its location by reason of annexation.
- **Non-profit:** Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.
- **Nursing or Retirement Home:** Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long-term nursing care.
- **Nutrient Management Act:** Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.
- **Office:** A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.
- **Official Map:** A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).
- **Oil and Gas Development:** The well site preparation, construction, drilling, redrilling, hydraulic fracturing and/or site restoration associated with an oil or gas well of any depth, water or other fluid storage impoundment and transportation used for such activities, and the installation and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary, the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment, and other activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.
- **Oil and Gas Staging Facility:** A facility or location on a permitted site for the storage of equipment, pipes and vehicles used to support oil or gas development activities at other permitted sites (see Section 4.10 Contractor's Yard).
- **Oil or Gas Well:** A pierced or bored hole drilled or being drilled in the ground for the purpose of or to be used for producing, extracting or injecting gas, oil petroleum or other liquid related to oil and gas production, storage, including brine disposal.
- **Oil or Petroleum:** Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA.
- **One Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one (1) percent chance of occurring each year, although the flood may occur in any year).

- **Open Space:** That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.
- **Outdoor Advertisement:** An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.
- **Parking Area – Private:** An open area for the same use as "private garage".
- **Parking Area – Public:** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.
- **Patio:** A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure and intended to be used as an area for seating, dining, or recreation outdoors.
- **Permanent Foundation:** A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.
- **Permit:** A document issued by the Municipality, authorizing an applicant to undertake certain activities.
 - **Zoning Permit:** A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.
 - **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 complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.
- **Permitted Use:** Any use, which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before the Zoning Officer grants a zoning permit.
- **Person:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- **Plan:** A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.
- **Planning Commission:** The Planning Commission of Nippenose Township, Lycoming County, Pennsylvania.
- **Porch:** A covered area more than four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.
- **Principal Structure:** See Building – Principal.
- **Principal Use:** The main use on a lot.
- **Private:** Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.
- **Professional Office:** The office of a single member of a recognized profession. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.
- **Professional Office Group:** The offices of more than one professional including assisting staff.
- **Public:** Something owned, operated, and supported by the community or the people for the use or benefit of the general public.
- **Public grounds:** Includes:

- parks, playgrounds, trails, paths and other recreational areas
 - sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities
 - publicly owned or operated scenic and historic sites.
- **Public Hearing:** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to acting in accordance with this act.
- **Public Meeting:** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".
- **Public Notice:** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing.
- **Public or Quasi - Public Uses:** Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g., Post Offices, Churches, Cemeteries, Schools, Community Centers, Firehalls, Municipal building and other uses of the same general character.
- **Public Service Facility:** The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.
- **Public System:** A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.
- **Recreation Facility:** A place designed and equipped for the conduct of sports, fitness, leisure – time activities and enjoyment of the outdoors.
 - **Recreation Facility, Outdoor:** A profit or non-profit business or public facility in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Outdoor recreation shall include but not be limited to campgrounds, RV parks, golf courses, country clubs, game lands, commercial riding stable, nature preserves, parks and recreation areas and resorts.
 - **Recreation Facility, Indoor:** A profit or non-profit business or public facility in which amusement, education, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Indoor recreation shall include but not be limited to movie theatres, indoor skating rinks, indoor sports facilities, gymnasias, indoor shooting ranges and museums.
- **Recreational Vehicle:** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- **Recreational Vehicle Park:** Any site upon which two or more recreational vehicles are or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation use.
- **Rehabilitation Center:** An institution providing medical treatment and physical or psychological therapy to bring or restore people to a normal or optimal state of health, constructive activity, etc. on an inpatient, outpatient or emergency basis.
- **Report:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor

shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

- **Resort:** A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including facilities for service of food to lodgers and/or non-lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non-lodgers.
- **Retail Business:** A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.
- **Riding Stable, Commercial:** A building in which horses are kept for hire, remuneration or sale.
- **Riding Stable, Private:** An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
- **Right-Of-Way:** That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.
- **Roadside Stand:** A temporary booth, stand or shelter located along a roadway, but off the right-of-way, from which farm, nursery or greenhouse products are offered for sale to the general public.
- **Screen Planting:** A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.
- **Self-Storage Facility:** A warehouse facility where separate storage spaces, of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or non-commercial sales conducted from such storage areas.
- **Setback Line:** The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.
- **Shopping Center:** A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one or two-story buildings.
- **Sign:** Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.
- **Sign, Off Premises Advertising:** A sign with a fixed message or an electronic graphic 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.
- **Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
- **Sign, Gross Surface Area:** The entire area within a single continuous perimeter inclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- **Sign, Portable:** Any sign or structure, which is not securely attached to the ground or any other structure.
- **Small Wind Energy System:** A single tower, or multiple towers, situated on a lot to provide energy from a wind source to an individual home, multi-family residential use, office or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

- **Solid Waste Transfer Facility:** A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.
- **Special Exception Use:** A use which, by its unique characteristics, requires individual consideration by the Zoning Hearing Board before a zoning permit, may be decided upon.
- **Story:** That 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 above it, then the space between the floor and the ceiling next above it.
- **Story, First:** The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.
- **Story, Half:** A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- **Street:** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.
 - **Collector Street:** A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Comprehensive Plan for the Township.
 - **Minor Street:** A street designed to afford primary access to abutting property.
- **Street Right-of-Way Line:** The closest edge of the right-of-way as required by the municipal subdivision ordinance. (See also Lot Line-Front).
- **Structural Alteration:** Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.
- **Structure:** Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.
- **Subdivision:** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted. (See also Land Development.)
- **Surface Mining:** Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or bands by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non – commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.
- **Swimming Pool:** Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above and on-ground pools; hot tubs, spas and fixed in place wading pools.
- **Temporary Use:** The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

- **Tent:** A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.
- **Townhouse:** A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.
- **Township:** The Township of Nippenose, Lycoming County, Pennsylvania
- **Tract Size:** The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.
- **Trailer Storage:** Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot.
 - Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.
- **Travel Trailer:** See Recreational Vehicle.
- **Turbine Height, Tower Height:** The distance measured from the surface grade of the tower foundation to highest point in vertical position of the turbine rotor blade.
- **Uniform Construction Code (UCC):** The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- **Use:** The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- **Variance:** The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.
- **Vehicle Hobby Shops:** An Accessory Use which is housed in the Homeowner's household garage. Such use involves the repair or restoration of either licensed or unlicensed or Junk Motor Vehicles as a hobby for the personal use or interest of the Owner, such as classic or antique automobiles or antique farm tractors or machinery, and not for money, payment, employment or compensation from others.
- **Village:** An unincorporated settlement that is part of a township where residential and mixed-use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.
- **Water Reuse Storage Facility:** A stand-alone facility to accommodate tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of water that has been used and is being reused.
- **Water Withdrawal Facility:** A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another location.
- **Waste:** A material whose original purpose has been completed and which is directed to a disposal, processing or beneficial use facility or as otherwise disposed of, processed or beneficially used. The term does not include source

separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection (DEP) for beneficial use.

- **Waste Facility:** A municipal or municipal authority owned and operated facility where the land, structures and other appurtenances or improvements are utilized for the disposal or processing of municipal, residual or hazardous waste.
- **Waste Processing:** any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste(s).
- **Waste Transfer Facility:** A municipal or municipal authority owned and operated facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer to a waste facility. The term includes a facility that uses a method or technology to convert part or all the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.
- **Waste Treatment:** A method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance to neutralize the hazardous substance or to render the hazardous substance nonhazardous, safer for transport, suitable for storage or reduced in volume. The term includes activity or processing designed to change the physical form or chemical composition of a hazardous substance to render it neutral or nonhazardous.
- **Wind Energy Facility:** An electric generating complex of wind towers, whose main purpose is to supply electricity to the power grid, consisting of one (1) or more wind towers as the primary use and other accessory structures and buildings, including sub-stations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities
- **Wind Tower, or Tower:** The total structure for converting wind sources into electricity through a system using a wind generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.
- **Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.
 - Here is the content converted to Markdown format:
- **Yard, Front:** An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- **Yard, Rear:** An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- **Yard, Side:** An open space extending from the front yard to the rear yard between the principal building or structure and the nearest lot line, unoccupied and unobstructed from the ground upward.
- **Yard, Minimum:** The minimum area or open space required by this Ordinance to be provided between and front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.
- **Yard Sale or Garage Sale:** The sale by a resident conducted on the premises of tangible personal property, such as used clothing and household articles accumulated over several years as part of everyday living, belonging to the owner or occupant of such property.
- **Zoning:** The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.
- **Zoning District:** A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- **Zoning Hearing Board:** The Zoning Hearing Board for Nippenose Township, Lycoming County, Pennsylvania.

- **Zoning Map:** The officially adopted Zoning Map of Nippenose Township, Lycoming County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.
- **Zoning Officer:** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.
- **Zoning Ordinance:** The Zoning Ordinance of Nippenose Township, Lycoming County, Pennsylvania, as amended.
- **Zoning Permit:** See Permit.