

# **GUILFORD TOWNSHIP**

## **ZONING ORDINANCE NO. 97-8**

**GUILFORD TOWNSHIP  
FRANKLIN COUNTY  
PENNSYLVANIA**

**ENACTED: SEPTEMBER 18, 1997**

**AMENDED: JUNE 18, 1998**

**DECEMBER 16, 1999**

**AUGUST 2, 2001**

**APRIL 4, 2002**

**JUNE 5, 2003**

**JULY 7, 2005**

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**JULY 3, 2008**

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**DECEMBER 03, 2015**

**FEBRUARY 16, 2017**

**DECEMBER 20, 2018**





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FRANKLIN COUNTY  
PENNSYLVANIA**

**115 SPRING VALLEY ROAD  
CHAMBERSBURG, PENNSYLVANIA 17201**

**BOARD OF SUPERVISORS**

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BREHM-LEBO ENGINEERING, INC., ENGINEER/CONSULTANT  
THOMAS MICHAEL ENGLERTH SURVEYING, MAPPING/CONSULTANT**

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## ORDINANCE NO. 97-8

### AN ORDINANCE

Permitting, prohibiting, regulating, restricting and determining the use of land, watercourses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures areas and dimensions of land to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use providing for repeal, variances, special exceptions, conditional uses, for the administration and enforcement of the Ordinance; and such other provisions as may be necessary to implement the purposes of this Ordinance.

### ARTICLE 1

#### TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES

##### SECTION 101. SHORT TITLE:

This Ordinance shall be known as and may be cited as the "TOWNSHIP OF GUILFORD ZONING ORDINANCE."

##### SECTION 102. AUTHORITY:

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as reenacted and amended by Act 170, December 21, 1988.

##### SECTION 103. PURPOSE:

This Ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as,

2. To prevent one or more of the following: over-crowding of land, blight, danger and congestion in travel and, transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.

#### SECTION 104. COMMUNITY DEVELOPMENT OBJECTIVES:

To promote and to foster the community development goals and objectives as adopted by resolution of the Guilford Township Board of Supervisors.

#### SECTION 105. INTERPRETATION:

1. In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations and is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements, but that if the Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements or other ordinances of Guilford Township, the provisions of this Ordinance shall control.
2. The boundaries of the Zoning Districts are hereby established as shown on the "Guilford Township Zoning Map", which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of this Ordinance. The Official Copy of said map, indicating the latest amendments, shall be kept up to date for the use and benefit of the public at the Township Office.
3. In all cases where a district boundary divides a lot, the regulations prescribed by this Ordinance for the less restricted district shall apply to that part of the more restricted portion of said lot which lies within 50 feet of the district boundary. For purposes of this Section, the more restricted district shall be the AR – Agricultural / Residential District, the R – Residential District, the I – Industrial District, the C – Commercial District, and with the CI – Commercial / Industrial District being the least restrictive district.
4. Classification of similar uses shall be in accordance with the Standard Industrial



Classification Manual-1987, Office of Management and Budget, as amended.

SECTION 106. APPLICATION:

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs.



## ARTICLE 2

### DEFINITIONS

#### SECTION 201. DEFINITION OF TERMS:

The following words are defined 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.

#### SECTION 202. INTERPRETATION:

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity. The word "lot" includes the words "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, Aintended, arranged or designed to be used or occupied.

#### SECTION 203. LIST OF DEFINITIONS:

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCESS DRIVE:** A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING:** A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the use of the main building (or when used as part of an approved home occupation).

**ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE:** A use incidental to, and on the same lot as, a principal use. A structure or use that: a) is clearly incidental to and customarily found in connection with a principal

building or a principal use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and e) is located on the same lot as the principal building or use served; or, f) is a solar energy system primarily for on-site use.

**ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock in trade, books, merchandise, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), or an establishment within a segment or section devoted to the sale or display of such material.

**ADULT CABARET:** A club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes "Specified Sexual Activities" (as defined below), and/or reveals or displays "Specified Anatomical Areas" (as defined below).

**ADULT DRIVE-IN PICTURE THEATER:** An area open to the air and not enclosed within any building used for presenting material distinguished or characterized by an emphasis on material depicting, describing or related to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or on outdoor seats.

**ADULT MINI MOTION PICTURE THEATER:** An enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity for more than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

**ADULT WALK-IN PICTURE THEATER:** An area neither enclosed nor open to the sky (e.g., a pavilion, tent, etc.), where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

**AGRICULTURAL OPERATION, ACTIVITY OR USE:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, etc. The term includes activities that are consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development.

**AIR RIGHTS:** The right to use space above ground level.

**ALLEY:** A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** As applied to a building or structure, any 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.

**AMENDMENT:** A change in use in any district which includes revisions to the zoning text and/or the official zoning map and the authority for any amendment lies solely with the Board of Supervisors.

**AMUSEMENT ARCADE:** An establishment which has as its principal business offering to patrons mechanical or electrical devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices and games.

**ANIMAL HOSPITAL:** A building used for the treatment housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**ANTENNA:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

**ANTENNA, SATELLITE DISH:** A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

**APARTMENT:** A dwelling unit within a multi-family dwelling. This classification includes apartments in Apartment Houses, Bachelor Apartments, Studio Apartments and Kitchenette Apartments.

**APARTMENT, ACCESSORY:** An independent dwelling unit, incorporated within an

existing single-family detached dwelling without any substantial external modification, established for the purpose of providing an independent living unit.

APARTMENT, CONVERSION: An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.

APARTMENT, GARDEN: A two (2) story multi-family dwelling, containing one (1) story dwelling units.

AREA, BUILDING: The total of areas 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.

AREA, LOT: The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

ASSISTED LIVING FACILITY: A building or buildings with residential units where residents are provided meals, housekeeping, transportation and healthcare services. Independent units receive weekly housekeeping and emergency healthcare. Personal Care units are licensed by the Pennsylvania Department of Public Welfare and receive daily housekeeping and one hour of personal care per day. Special Care units are provided two or more hours of personal care per day due to physical or mental limitations. Activity rooms, kitchens, beauty parlor/barber shop, laundries, dining rooms and chapels may be provided in addition to business and administrative offices.

AUTOMOBILE: A self-propelled, free moving vehicle, primarily for conveyance on a street or roadway, to include vans, passenger cars, station wagons, motorcycles, all-terrain vehicles and pickup trucks, but excluding tractor cabs, trailers, dump trucks, excavating vehicles and equipment, and also excluding combination trucks and recreation vehicles with specifications as set forth in Table 2.2.7 of the current edition of the Commonwealth of Pennsylvania's, Department of Transportation, Bureau of Design, "Design Manual, Part 2, Highway Design."

AUTOMOBILE GARAGE: A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles.

AUTOMOBILE SERVICE STATION: Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for automobiles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing.

**AUTOMOBILE WASHING (CAR WASH):** A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for Automobile Service Stations.

**BANKFULL (STAGE):** The incipient elevation on the bank of a stream where flooding begins. The bankfull stage is associated with the flow that just fills the channel to the top of its banks, a point where the water begins to overflow onto a floodplain.

**BASEMENT:** That portion of a building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet. Also, any area of a building having its floor below ground level on all sides.

**BLOCK:** An area bounded by streets.

**BOARD:** Any body granted jurisdiction under a land use ordinance to render final adjudications.

**BOARDING HOUSE:** A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

**BUFFER YARD (See also SCREENING):** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A strip of land, identified on a site plan or by a zoning ordinance, established to separate visually one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use. Plantings, fences and/or mounds shall be six (6) foot (minimum) height at planting or establishment.

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or property including covered porches or bay windows and chimneys. Included shall be all manufactured homes and trailers to be used for human habitation.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot.  
**BUILDING, FRONT LINE OF:** The line of that face of the building containing the principal entrance or entrances facing a street.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat

roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, towers, spires, elevator penthouses, tanks and similar appurtenant structures or equipment may project above the maximum building height. Architectural screening of rooftop projections may also be exempted from height restrictions, provided that such structures are set back from the exterior wall of the building by a distance equal to or greater than their height.

**BUILDING LINE:** A line parallel to the front, side, or rear lot line so as to provide the required yards.

**BUILDING, NONCONFORMING:** A building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

**BUILDING SETBACK LINE:** The line within a property defining the required minimum distance permitted between any structure and the adjacent street right-of-way.

**BYOB CLUB:** Shall be any business facility such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises also commonly referred to as Bring Your Own Bottle Clubs; provided that a facility which is rented for a limited period of time, not to exceed twelve (12) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B. Y. O. B. Club under the terms of this Ordinance.

**CARPORT:** A covered space, open on at least three (3) sides, for the storage of one (1) or more vehicles and accessory to a main or accessory building.

**CARTWAY:** That portion of a street or alley which is improved, designated, or intended for vehicular use.

**CELLAR:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

**CERTIFICATE OF USE AND COMPLIANCE:** A permit issued by the proper Township Official allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.



**CLEAR-SIGHT TRIANGLE:** An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COMMERCIAL USE:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**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 and 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.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**COMPREHENSIVE PLAN:** An official document when adopted by the Board of Supervisors setting forth its policies regarding the long-term development of the Township; the preparation of which is based on careful studies of existing conditions and prospect for future growth of the Township. The plan when prepared, shall include, but need not be limited to plans for the use of land, transportation of goods and people, community facilities and services, and a map and statement indicating the relationship of the Township and its proposed development to adjacent municipalities.

**CONDITIONAL USE:** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise), is permitted in a district subject to approval by the Board of Supervisors, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

**CONDOMINIUM:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building structure, including the placement of manufactured/ mobile homes.

**CONTROLLED SUBSTANCE:** A drug, substance or immediate precursor as defined in schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug Device and Cosmetic Act, 35 P.A. §780.104, or any amendments thereto.

**COURT:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

**COURT, INNER:** A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

**COURT, OUTER:** A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

**COVERAGE:** That portion or percentage of the lot area covered by impervious materials, to include buildings and paved surfaces.

**DAY CARE CENTER:** See definition SCHOOL, NURSERY.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this zoning ordinance 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 Township lies.

**DENSITY:** The number of dwelling units per acre of land.

**DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the Board of Supervisors
2. the Zoning Hearing Board; or
3. the Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**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, and any lot or subdivision of land that would be subject to the Floodplain Management Ordinance; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**DEVELOPMENT PLAN:** The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

**DISABLED MOTOR VEHICLE:** A motor driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the Township or is incapable of being utilized for its intended purpose. Also included in this definition are trailers, semi-trailers or other articles, which would be classified as a vehicle under the Vehicle Code of Pennsylvania. The term disabled motor vehicle shall include disabled, junked, abandoned, non-operable, inoperative, wrecked, ruined or dismantled motor vehicles, and not having a valid license plate, a valid inspection or a valid registration.

**DISTRICT, ZONING:** A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Guilford Township Zoning Map.

**DOG KENNEL:** The sheltering of three (3) or more dogs that are more than six (6) months old.

**DRIVE-IN FACILITY:** An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**DRUG PARAPHERNALIA:** Any objects, devises, instruments, apparatus or contrivances, whose primary and traditional use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania. Drug Paraphernalia includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled

substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
8. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as;
  - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
  - (b) Water pipes;
  - (c) Carburetion tubes and devices;
  - (d) Smoking and Carburetion masks;

- (e) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (f) Miniature cocaine spoons and cocaine vials;
- (g) Chamber pipes
- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chillums;
- (l) Bongs;

DUMP: A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DWELLING GROUP: A group of two (2) or more single-family, family, or multi-family dwellings occupying a lot in one ownership.

DWELLING: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, INDUSTRIALIZED HOUSING: Any structure designed primarily for residential occupancy, except a manufactured/mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MANUFACTURED/MOBILE HOME: A transportable, single-family detached dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

DWELLING, MULTI-FAMILY: A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, ATTACHED (ROW): A dwelling used for one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE-FAMILY, SEMI-DETACHED: A dwelling used by one (1) family, having one (1) side yard, one (1) party wall common with another building.

DWELLING, TWO FAMILY, DETACHED (DUPLEX): A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.

DWELLING UNIT: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ELDERLY HOUSING: A multi-family development devoted entirely for the provision of housing for senior citizens fifty-five (55) years of age or older.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose or switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utility transmission and distribution facilities including substations.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EQUINE and COMMUNITY THERAPY CENTER: An indoor and outdoor facility designed, improved and operated for the purpose of enhancing the physical, emotional, behavioral and cognitive skills of children and adults with disabilities and other mental health issues using horses and other domestic therapeutic animals as well as a diverse range of certified therapeutic programs and activities in a countryside setting. Such uses may also include therapy gardens, therapy pools, gymnasium, auditorium, classrooms, business training complex and food service facilities for therapy participants.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal or other governmental agencies or private corporations under contract to a municipality of gas, electric, telephone, steam, or water transmission or distribution system and sewer facilities, including buildings, enclosures, wells, pumping stations,



poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants and other similar equipment and accessories, and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or firehouses or fire companies and emergency services under agreement with the Township or the public health or safety or general welfare. Landfills and landfill activities, and personal wireless or cellular telecommunications facilities are not considered essential services for the purposes of this definition.

**ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable.

**FAMILY:** A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, commune, or institution.

**FAMILY CARE FACILITY:** An institutional facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents under supervisory care may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision.

A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

**FAMILY DAY CARE HOME:** A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

**FENCE:** Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the

purpose of screening or dividing one (1) property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line of any front, side or rear lot line; for the purpose of this Ordinance, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere herein.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLICKER: A repeating cycle of changing light intensity.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD, BASE: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

FLOOD, BASE ELEVATION (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent chance of being equaled or exceeded in any given year.

FLOOD FRINGE: That portion of the flood plain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOOD PLAIN: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area



subject to the unusual and rapid accumulation of surface waters from any source.

**FLOOD PROOFING:** Any combination of structural and non-structural addition, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOOD, REGULATORY ELEVATION:** The base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½ ) feet.

**FLOOD, SPECIAL HAZARD AREA (SFHA):** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99 or AH.

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

**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE:** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**FLOOR AREA RETAIL, NET:** All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space and other general administrative areas.

**FLOOR, LOWEST:** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking

of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

**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:** An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein.

**GARAGE, PUBLIC:** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

**GARAGE, REPAIR (See also SERVICE STATION):** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered.

**GARDEN APARTMENT:** See definition APARTMENT, GARDEN.

**GARDEN STRUCTURES:** Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3) feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, and free-standing screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

**GARDENING:** The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

**GOVERNING BODY:** The Board of Supervisors of Guilford Township, Franklin County, Pennsylvania.

**GRADE, ESTABLISHED:** The elevation of the center line of the streets, as officially established by the municipal authorities.

**GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating hereto.

**GRADE, HIGHEST ADJACENT:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**GREENHOUSE:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROSS LEASABLE AREA:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**GROUND CLEARANCE:** The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

**GROUND FLOOR:** The floor of a building nearest the mean grade of the front of the building.

**GROUP CARE FACILITY:** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

**GROUP DAY CARE HOME:** A residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

**HAZARDOUS WASTE:** Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of these factors, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. cause or significantly contribute to an increase in mortality or morbidity in either an individual or, the total population; or
2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C. 30.51 -30.62). The term "hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. 691.1 - 691.1001).

The term "hazardous waste" shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 - 2394).

**HAZARDOUS WASTE CONSTITUENT:** A chemical component of a waste or chemical compound which qualifies a waste as hazardous under Pennsylvania Department of Environmental Resources (Pa DER) Hazardous Waste Management Regulations (HWMR) 75.261 (relating to criteria, identification and listing of hazardous waste), or which is listed as a hazardous waste or hazardous compound in 75.261 (relating to criteria, identification, and listing of hazardous waste).

**HAZARDOUS WASTE DISCHARGE:** A discharge of hazardous waste.

**HAZARDOUS WASTE IDENTIFICATION NUMBER:** The number assigned by the Environmental Protection Agency (EPA) or the number provided to the Pa DER by the EPA for assignment to each generator, transporter, and treatment, storage, or disposal facility handling hazardous waste.

**HAZARDOUS WASTE/INCOMPATIBLE WASTE:** A hazardous waste which is unsuitable for:

1. placement in a particular device or facility because it may cause corrosion or decay of containment materials such as container inner liners or tank walls; or
2. co-mingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

**HAZARDOUS WASTE/INDIVIDUAL GENERATION SITE:** The contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

**HAZARDOUS WASTE MANAGEMENT FACILITY:** A facility where storage treatment, or disposal of hazardous waste occurs.

**HAZARDOUS WASTE MANIFEST SYSTEM:** The manifest, instructions supplied with the manifest, and distribution system for copies of the manifest which together identify the origin, routing, storage, or disposal under the following Pa DER HWMR Subsections: 75.262 (e), 75.263 (d), 75.264 (j), and 75.265 (j) (relating to generators of hazardous waste, transporters of hazardous waste, new and existing hazardous waste management facilities applying for a permit and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

**HAZARDOUS WASTE IDENTIFICATION ER:** The number assigned by the Pa DER to each hazardous waste listed and to each hazardous waste characteristic identified in HWMR 75.261 (relating to criteria, identification and listing of hazardous waste).

**HAZARDOUS WASTE PERMIT:** A written document issued by the Pa DER under the Act which authorizes the recipient to undertake the treatment, storage, or disposal of hazardous waste under the act. The term "permit" does not include interim status or a permit which has not yet been the subject of final Pa DER action, such as a draft permit or a proposed permit.

**HEAD SHOP:** Any business, the operation of which involves the sale, lease, trade, gift or display for sale, of any and all types of drug paraphernalia.

**HOME OCCUPATION:** Any use which can be conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than two (2) employees, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

**HOSPICE FACILITY:** A use licensed by the Pennsylvania Department of Health devoted exclusively to providing compassionate comfort and care for people facing a terminal illness.

**HOSPITAL:** An institution providing primary health services and medical or surgical care to persons, inpatients and outpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**HOTEL:** A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

**IMMEDIATE PRECURSOR:** A substance which under the regulations of the Pennsylvania Department of Health, is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled substance.

**IMPERVIOUS MATERIAL:** Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

**INCINERATOR:** An approved device in which combustible material, other than garbage, is burned to ashes.

**INDUSTRIAL PARK:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed,



and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions, and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships, or a combination of these types.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

INSTITUTION: An organization having a social, educational, or religious purpose and the building housing it.

JUNKYARD (See also VEHICLE WRECKING YARD): A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold. An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

LAND DEVELOPMENT (see SUBDIVISION): Any of the following activities:

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

2. A subdivision of land.

**LANDOWNER:** The legal or beneficial owner or owners of land including the holder, or an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

**LANDSCAPING:** For the purpose of this Ordinance, landscaping is composed primarily of trees, shrubs and other planting which serve to provide aesthetic appeal and to safeguard public health, safety and welfare, by serving as a buffer between uses, controlling erosion, reducing glare, lowering temperature, softening sound, diverting wind and reducing pollutants. A landscaping layout may contain other elements including water, timber, rocks, grass, and street furniture.

**LAND USE PERMIT:** Written permission issued by the proper Township official for the construction, repair, alteration or addition to a structure.

**LIGHTING:**

1. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade;
2. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;
3. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LOADING BIRTH/SPACE:** An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT:** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open space as required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street. A designated parcel, tract or area of land established by a plat, deed, or permitted by law to be used, developed or built upon.

**LOT, CORNER:** A lot at the junction of and abutting on two (2) or more intersecting



streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH: The minimum required lot width measured at the building setback line. The width of lots abutting a cul-de-sac shall be measured as the chord distance length at the building setback line.

LOT, NONCONFORMING: A lot of record, the area or dimension of which was lawful prior to the adoption, revision, or amendment to this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the current requirements of the zoning district in which it is located.

LOT OF RECORD: A lot which has been properly recorded in the Office of the Recorder of Deeds of Franklin County, Pennsylvania.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED/MOBILE HOME: A structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED/MOBILE HOME LOT: A parcel of land in a manufactured/mobile home park/community/ subdivision, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured/mobile

home.

**MANUFACTURED/MOBILE HOME PARK/COMMUNITY/SUBDIVISION:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes for non transient use.

**MANUFACTURING:** The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MASSAGE:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

**MASSAGE PARLOR:** Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

**MEDICAL AND DENTAL CLINIC:** Establishments containing the offices of one or more physicians, dentists, physical therapists, pharmacists, optometrists, and other health care professionals, primarily engaged in furnishing outpatient medical, surgical, rehabilitative or other services to individuals.

**MINERALS:** Any aggregate or mass of mineral matter, whether or not 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.

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include

addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED OCCUPANCY: Occupancy of a building or land for more than one (1) type of use.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

MUNICIPALITY: Guilford Township, Franklin County, Pennsylvania

MUNICIPAL USE: Any building, structure, utility line, parcel of land, easement or Right-of-Way owned or dedicated to the Municipality or Authority thereof.

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

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which:

1. Depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or, in the case of articles or instruments, is designed for use in achieving artificial sexual stimulation; and

2. Taken as a whole, appeals to the prurient interest; and
3. Taken as a whole does not have serious literary, artistic, political or scientific value.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

**OCCUPIED BUILDING:** A residence, school, hospital, church, library, commercial building, municipal building, utility building or other building that is in use at the time of permit application.

**OFFICE:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OFFICE PARK:** A large tract of land that has been planned developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation parking, utility needs, aesthetics, and compatibility.

**OFFICE, PROFESSIONAL:** A room or rooms used for the carrying on of a profession including, but not limited to, physicians, physical therapists, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

**OFF-STREET PARKING SPACE:** A temporary storage area for a motor vehicle, trailer, or vessel that is directly accessible to a driveway, and which is not located on a dedicated street right-of-way.

**OPEN SPACE:** An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel. Land used for recreation, resource protection, amenity, and / or buffers. In no event shall any area of a lot constituting the minimum lot area nor any

part of an existing or future road or right-of-way be counted as constituting open space.

**OPEN SPACE, COMMON:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

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

**PARKING LOT (See also GARAGE, PUBLIC):** An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use. This includes the parking of vehicles for display, sale, and pre and post automobile repair and service whether new or used but not including “junked motor vehicles”.

**PARKING, SHARED:** The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

**PARKING SPACE:** An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and town home residential uses shall be considered to have a means of access to a public street. An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle. This includes the parking of vehicles for display and sale, whether new or used and also pre and post automobile repair and service, but not including “junked motor vehicles”.

**PARTY WALL:** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE:** Act 247 of 1968 and as subsequently amended; referenced to herein as "The Act".

**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.

**PLANNED DEVELOPMENT:** Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of

development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

**PLANNING CODE:** The Pennsylvania Municipalities Planning Code, Act 247, as amended and reenacted by Act 170 of 1988.

**PLANNING COMMISSION:** The Guilford Township Planning Commission, appointed by the Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. Until such time as the Board of Supervisors establishes a Planning Commission, the Planning Committee shall serve in accordance with Act 247.

**PORCH:** A roofed structure projecting from the front, side, or rear wall of the principal building.

**PREMISES:** The property upon which the activity is conducted and occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.

**PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

**PRINCIPAL BUILDING:** A building in which the primary use of the lot on which the building is located is conducted. A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

**PRINCIPAL USE:** The main use of land or structures, as distinguished from a secondary or accessory use. The primary use and chief purpose of a lot or structure.



**PRINCIPLE SOLAR ENERGY SYSTEM (PSES):** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principle Solar Energy Systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**PRINCIPLE WIND ENERGY FACILITY (PWEF):** A system designed as the primary use on an area of land or other area, wherein the power generated is used primarily for off-site consumption. A Principle Wind Energy Facility consists of one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**PRINT SHOP:** A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

**PRIVATE:** Not publicly owned, operated, or controlled.

**PROFESSIONAL OCCUPATION:** The practice of a profession by any professional, including but not limited to Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

**PRURIENT INTEREST:** Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

**PUBLIC:** Owned, operated or controlled by a government agency (Federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

**PUBLIC GROUNDS:** Public grounds include the following:

1. Parks, playgrounds, trails, paths and other recreational areas and other public

areas;

2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. 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 obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Code, Act 247, as amended.

**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", as amended.

**PUBLIC NOTICE:** Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC UTILITY FACILITIES:** Public utility transmission and distribution facilities including substations and the like.

**RECREATION AREAS:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a non-profit organization and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.

**RECREATIONAL VEHICLE:** A vehicle which is built on a single chassis, not more than 400 square feet (measured at the largest horizontal projections), designed to be self-propelled or permanently towable by a light-duty truck, and not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

**RENEWABLE ENERGY RESOURCE:** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to the natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy,



solar and wind energy and hydroelectric energy and excluding those sources of energy used in fission and fusion processes.

**RESEARCH AND DEVELOPMENT:** Any establishment which carries on investigation in the natural, physical, technical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products.

**RESEARCH LABORATORY:** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESTAURANT:** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RESTAURANT, DRIVE-IN:** A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT, FAST-FOOD:** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary

storm sewer and other similar uses; generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY, STREET:** A public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**SADOMASOCHISTIC ABUSE:** Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SCHOOL:** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**SCHOOL, NURSERY (DAY CARE CENTERS):** A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

**SCREENING (See also BUFFER YARD):** The method by which a view or element of one site is partially shielded, concealed, or hidden from an adjacent site or adjacent element. Screening may include one or a combination of materials such as walls, berms, mounds, and plantings provided such materials are sufficiently dense within 12 months of installation. Plantings, fences, walls, and/or mounds shall be a minimum height of six (6) feet upon planting or installation.

**SELF-SERVICE STORAGE FACILITY:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares (mini-warehouses).

**SERVICE STATION (see also GARAGE, REPAIR):** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine

overhauls, automobile painting, and body fender work are conducted. Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

**SELF-SERVICE STATION:** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SEXUAL CONDUCT:** Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

**SEXUAL EXCITEMENT:** The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

**SHADOW FLICKER:** Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

**SHOPPING CENTER:** A grouping of retail business and service uses on a single site with common parking facilities. A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit. For the purposes of this Ordinance, a shopping center is defined as a group of three (3) or more stores on a single parcel of ground.

**SIGN:** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**SIGN, BUSINESS IDENTIFICATION:** A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

**SIGN, TALL, HEIGHT OF:** The vertical distance measured from the elevation of the nearest edge of the pavement of Interstate 81 directly opposite the sign location including the sign border and trim and standards.

**SIGN, NONCONFORMING:** Any sign lawfully existing on the effective date of this Ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

**SIGN, OFF-PREMISE ADVERTISING:** A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

**SIGN, PROJECTING:** A sign which projects horizontally from and is supported by a wall of a building.

**SIGN, REAL ESTATE:** A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

**SIGN, ROOF:** Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

**SIGN, SERVICE:** A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms; or other such pertinent information.

**SIGN, TALL:** A sign exceeding the maximum building height of the underlying Zoning District displaying information inviting attention to a business located on the premises on which the sign is situated. These signs are only permitted in the Tall Sign Overlay Zone.

**SIGN, TEMPORARY:** A temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding Ordinance requirements.

**SIGN, WALL:** A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than twelve (12") inches from such wall.

**SITE DEVELOPMENT PLAN:** A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

**SOLAR ACCESS:** A property owner's right to have the sunlight shine on his land.

**SOLAR SKYSPACE:** The space between a solar energy collector and the extent, which precludes its cost-effective operation.

**SOLAR SKYSPACE EASEMENT:** A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

**SPECIAL EXCEPTION:** A use that, owing to some special characteristics, is permitted in a district subject to approval of the Zoning Hearing Board as provided in Articles 8 and 10 of this Ordinance.

**SPECIFIED ANATOMICAL AREAS:**

1. Less than completely and opaquely covered:
  - (a) human genitals, pubic region
  - (b) buttock
  - (c) female breast below a point immediately above the top of the areola
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

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

**STORY:** That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

**STORY, HALF:** A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two (2) opposite exterior walls are not over three (3) feet above the finished floor of such story.

**STREET:** A public or private right-of-way constructed to municipal standards which

affords primary vehicular traffic or pedestrian access to abutting properties, which includes avenue, boulevard, road, highway, freeway, parkway, and viaduct, but shall not include an alley or the purpose of this Ordinance.

**STREET, COLLECTOR:** A major street or highway which carries traffic from minor streets to arterial streets, including the principle entrance streets of a residential development and streets for circulation within such a development.

**STREET, CUL-DE-SAC:** A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**STREET GRADE:** The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE:** The dividing line between the street and the lot, also known as the right-of-way line.

**STREET, MINOR:** A street used primarily for access to abutting properties.

**STREET WIDTH:** The distance between street right-of-way lines measured at right angles to the centerline of the street.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For flood plain management purposes, a walled and roofed building, a gas or liquid storage tank, that is principally above ground, and manufactured homes.

**STRUCTURE, NONCONFORMING:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**STRUCTURE, TEMPORARY:** A structure without any foundation or footings and which is to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.



STUDIO: A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC: The use of a premise by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School", and other similar expressions.

SUBDIVISION (See LAND DEVELOPMENT): The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT: Any repair, alteration, reconstruction or improvement of a structure, and/or use the cost of which equals or exceeds fifty percent (50%) of its market value either:

1. Before improvement is started or
2. If the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SURFACE MINING: The extraction of minerals from the earth, from waste or stock piles, or from pits or banks as activities conducted upon the surface of the land which require the removal of overburden, strata or material overlying, above or between the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger and open pit mining, quarrying, leaching, box cutting, haul roads, berms, crushers, processing equipment, storage of materials or equipment related to mining, overburden storage and all activities related

thereto. Mining activities carried out beneath the surface by means of shafts, tunnels, or other underground mine openings are not included in this definition.

**SWIMMING POOL:** A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than twenty-four (24) inches, designed, used and maintained for swimming and bathing.

**TEMPORARY USE:** A use that does not continue for more than six consecutive months without written approval by the Zoning Officer.

**THEATER:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

**TOP OF BANK:** The highest point or level of the stream bank, at a break in slope of the stream bank that represents bankfull stream flow. On stream channels where a break in slope is indiscernible the top of bank shall be represented by the elevation of the runoff flow for the storm having a 50-percent annual chance of being equaled or exceeded.

**TOTAL HEIGHT:** When referring to a wind turbine, the distance measured from the surface of the wind tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

**TRADITIONAL USE:** A use which is primary and inherent as opposed to secondary and incidental, and is associated with certain knowledge or beliefs derived from statements of contemporary persons and handed down through a considerable period of time.

**TRUCK TERMINAL:** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

**UNDEVELOPED LAND:** Any lot which has not been graded or in any other manner prepared for the construction of a building.

**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 State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, NONCONFORMING: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment or such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

USE, PERMITTED: Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

USE, TEMPORARY: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE: Relief granted by the Zoning Hearing Board from technical requirements of the zoning ordinance which if strictly adhered to would inflict unnecessary hardship upon the applicant. Procedures and criteria for granting such relief shall comply with the Pennsylvania Municipalities Code, Act 247, as amended.

VEGETATIVE COVER: Such cover shall consist of trees, shrubs, flowers, grass, or similar natural cover.

VEHICLE WRECKING YARD (See also JUNKYARD): The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a vehicle wrecking yard.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and

distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WIND ENERGY CONVERSION SYSTEM (WECS):** A device, including wind turbine, which converts wind energy to mechanical or electrical energy through the use of a wind turbine generator, and includes the nacelle, wind rotor, wind tower, and transformer, if any.

**WIND ROTOR:** The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

**WIND TOWER:** The supporting structure of a wind turbine (WECS) on which a wind rotor and accessory equipment are mounted. The basic types of wind towers include self-supporting (free standing) or guyed.

**WINDOW SIGN:** Signs or lettering that adhere to a windows surface, and do not project out from the windows surface by more than one inch.

**YARD:** An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

**YARD, BUFFER:** A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round, shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

**YARD, EXTERIOR:** An open, unoccupied space between a building and the property boundary or street line.

**YARD, FRONT:** An open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the building line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building line and the street line.

**YARD, INTERIOR:** An open, unoccupied space between buildings of a building group,

all of which are located on the same lot.

**YARD, REAR:** A yard located between a primary or accessory building and the rear lot line upon which the building is located, as prescribed by the provisions of this Ordinance.

**YARD, SIDE:** An open unoccupied space on the same lot with a building and situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

**ZONING HEARING BOARD:** The Guilford Zoning Hearing Board appointed by the Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**ZONING MAP:** The map setting forth the boundaries of the Zoning Districts of the Township, which shall be part of this Ordinance.

**ZONING OFFICER:** The duly constituted Township official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.



## ARTICLE 3

### DISTRICT USE REGULATIONS

#### SECTION 3.1 (AR) AGRICULTURAL RESIDENTIAL DISTRICT

A. Permitted Uses. As regulated herein and elsewhere in this Ordinance, the following uses are permitted.

1. Agricultural, animal husbandry, horticultural, and forestry uses, including, but not limited to, crop production, dairy, beef, swine, poultry, orchards, forest, sawmills, flowers, fruit, bees, fish, sod production, or similar type uses.
2. Processing, storage and packaging of farm products raised or grown on the same property; however the processing of such products from other local area farms shall also be permitted.
3. Farm Market located on the same property as the principal farming operation and which serves as an outlet for local farm products and related goods which are supplementary and compatible subject to the following:
  - a. The Farm Market building shall be set back a minimum of fifty (50) feet from all property lines and rights-of-way lines.
  - b. The Farm Market building shall be of one story and shall not exceed three thousand (3000) square feet of floor area.
  - c. One (1) parking space shall be provided for each two hundred (200) square feet of retail floor area.
  - d. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
  - e. Signs may be installed in accordance with Zoning Ordinance section 6.4.4.
4. Woodland, fish and game preserve, wildlife sanctuary or other conservation purpose.
5. Single-family detached dwellings
6. Churches or similar places of worship, including associated social facilities
7. Schools
8. Dog kennels and Riding Academies
9. Veterinary services and animal hospitals
10. Public utility service structures and facilities
11. Telecommunication towers and appurtenances provided any such tower is setback from any (R) District boundary a distance equal to its height.
12. Outdoor recreational facilities and areas such as parks (except amusement parks and paintball facilities), playgrounds and picnic grounds.
13. Cemeteries
14. Family Care Facility and Family Day Care Home
15. Home Occupations
16. Customary accessory uses and buildings incidental to any permitted use
17. Municipal Buildings and Facilities

18. Principle Solar Energy Systems (PSES) subject to the following:
- a. The PSES layout, design and installation shall conform to applicable industry standards and shall comply with the Pennsylvania Building Code, and with all other applicable fire and life safety requirements.
  - b. The Owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
  - c. The Applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
  - d. The PSES owner shall notify the Township upon cessation or abandonment of the operation, dismantling and removal of the PSES shall be completed in twelve (12) months and the Owner shall provide suitable financial security to the Township for dismantling, removal and restoration.
  - e. Ground mounted PSES height shall not exceed twenty (20) feet.
  - f. Ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
  - g. Roof mounted PSES shall be subject to the maximum height regulations of the underlying district.
19. Principle Wind Energy Facility (PWEF) subject to the following:
- a. The PWEF layout, design and installation shall conform to applicable industry standards and shall comply with the Pennsylvania Building Code.
  - b. The applicant shall provide documentation that the PWEF will comply with applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.
  - c. The Owner of the PWEF shall provide the Township written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
  - d. The PWEF shall be painted a non-reflective, flat color.
  - e. The PWEF shall not be artificially lighted except as required by the FAA or other applicable Authority.
  - f. A minimum eight (8) foot high fence with a self-locking gate shall be placed around the PWEF.
  - g. There shall be no specific height limitation so long as the total height meets sound and setback requirements imposed by FAA and a thirty (30) foot minimum ground clearance is maintained.
  - h. All Setbacks measured from the center of the Wind Turbine base:
    - 1) Wind Turbines shall be setback from the nearest property line a distance of not less than the normal setback distances for the zoning district or 1.1 times its total height, whichever is greater.
    - 2) Wind Turbines shall be setback from any occupied building not less than 2.0 times its total height.
    - 3) Wind Turbines shall be setback from all above-ground utility lines a distance of no less than 1.1 times its total height.

- i. Audible sounds from a PWEF shall comply with the requirements of the Guilford Township Noise Ordinance, Ordinance No. 93-11, as amended.
  - j. A PWEF shall not cause any shadow flicker on any occupied building or any roadway.
  - k. The PWEF Owner shall notify the Township upon cessation or abandonment of the operation, dismantling and removal of the PWEF shall be completed in twelve (12) months and the Owner shall provide suitable security to the Township for dismantling, removal and restoration.
- 20. Bio-Solids Manure Digesting Systems, Manure Composting Facilities and similar Manure-to-Energy Systems (MES) subject to the following:
  - a. The MES System or Facility, including all components thereof such as buildings, stockpiles, tankage, equipment storage, and the like, shall be setback a minimum of three-hundred (300) feet from all property lines or in accordance with the Nutrient Management Act, whichever is less.
  - b. All aspects of the MES shall comply with applicable regulations and requirements of the State and Federal government including but not limited to the UCC.
  - c. The MES Owner shall notify the Township upon cessation of the operation, dismantling and removal of the MES shall be completed in twelve (12) months and the Owner shall provide suitable security to the Township for dismantling, removal and restoration.
- 21. Essential Services
- 22. No-Impact Home Based Businesses
- 23. Hospice Facility

B. Special Exceptions. Subject to the express procedures, standards and criteria set forth elsewhere in this Ordinance, the following uses are permitted by Special Exception:

- 1. Accessory Apartment
- 2. Conversion of existing single-family detached dwelling to a two-family detached dwelling
- 3. Bed and Breakfast, Tourist Home
- 4. Membership clubs, and outdoor recreational facilities such as golf courses, country clubs, gun clubs and paintball facilities.
- 5. Small business services and craft industries that relate to the rural, agricultural character of this zoning district such as light welding and fabricating shop, butcher shop, woodworking, furniture restoration, saddle and harness sale and repair, crafts and pottery

C. Conditional Uses. Subject to the express procedures, standards and criteria set forth elsewhere in this Ordinance, the following uses are permitted by Conditional Use:

- 1. Campgrounds, Recreational Vehicle Parks
- 2. Sanitary Landfills
- 3. Surface Mining
- 4. Junk Yards subject to the Guilford Township Junk Yard Ordinance
- 5. Conversion of Existing Governmental Facilities to a different use
- 6. Land Application of Sewage and Septic Sludge Waste

## 7. Equine and Community Therapy Centers

D. Minimum Lot Size and Related Requirements. Unless specifically referenced elsewhere in this Ordinance, the following standards shall apply:

1. Minimum Lot Size: 2 Acres\*\*
2. Minimum Lot Width: 200 Feet
3. Building Setback Lines:

Front	50 Feet
Side	30 Feet Each
Rear	50 Feet

**\*\*NOTE:** The Pennsylvania Department of Environmental Resources requires a Preliminary Hydro-geologic Study for all on-lot sewage disposal system proposals in Guilford Township. The “Minimum Lot Size” may be increased in order to meet the results of the “Preliminary Hydro-geologic Study.

## SECTION 3.2 (R) RESIDENTIAL DISTRICT

A. Permitted Uses. The following uses as listed and regulated below and elsewhere in this Ordinance are permitted:

1. Single-Family detached dwellings
2. Agricultural, animal husbandry, horticultural and forestry uses, including but not limited to, crop production, dairy, beef, swine, poultry, orchards, forest, flowers, fruit, bees, fish, sod production, or similar type uses
3. Processing, storage and packaging of farm products raised or grown on the same property
4. Churches or similar places of worship, including associated social facilities
5. Municipal buildings and facilities
6. Public utility services and facilities
7. Home occupations
8. Customary accessory uses and buildings incidental to the permitted principal use
9. Single-family semi-detached dwellings.
10. Family Care Facility and Family Day Care Home
11. Schools having a minimum setback of fifty (50) feet from all property lines
12. Essential Services
13. No-Impact Home Based Businesses

B. Special Exceptions. Subject to the procedures and expressed standards and criteria set forth elsewhere in this Ordinance, the following uses are permitted by Special Exceptions:

1. Accessory Apartments
2. Conversion Apartments
3. Daycare Center
4. Bed and Breakfast, Tourist Home
5. Private School



6. Outdoor recreational facilities and areas such as parks (except amusement parks and paintball facilities), playgrounds, picnic grounds, and golf courses.
7. Medical and Dental Clinics

C. Conditional Uses. Subject to the procedures and expressed standards and criteria set forth elsewhere in this Ordinance, the following uses are permitted by Conditional Use:

1. Village Overlay Option.
2. Townhouse Developments
3. Garden Apartments
4. Equine and Community Therapy Centers
5. Mobile Home Parks subject to the Guilford Township Subdivision and Land Development Ordinance.

D. Minimum Lot Size and Related Standards. Unless specified elsewhere in this Ordinance the following minimum standards shall apply:

1. Single-Family Detached
 

	<u>Lot Area</u>	<u>Lot Width</u>
On-Lot Water and Sewer	37,500 sq. ft.	150 ft.
Public or Community Water or Sewer	20,000 sq. ft.	100 ft.
Public or Community Water and Sewer	11,000 sq. ft.	80 ft.
2. Single-Family Semi-Detached
 

Where served by public or community water and sewer there shall be a minimum of 6,250 sq. ft. of lot area per dwelling unit. Where not served by both public or community water and sewer, the applicable minimum in item 1 above shall apply on a per dwelling unit basis for lot area. Lot width shall be a minimum of fifty (50) feet.
3. Setbacks
 

Front Yard	35 feet
Side Yard (Each)	10 feet
Rear Yard	25 feet
4. Maximum Height      35 feet
5. Maximum Impervious Cover 50 percent

### SECTION 3.3 (C) COMMERCIAL DISTRICT

A. Permitted Uses. The following uses are permitted subject to the standards listed below and elsewhere in this Ordinance:

1. Building materials and garden supplies
2. General merchandise stores
3. Food stores
4. Automobile dealers, service stations, garages and car washes subject to the

following:

- a. All services performed shall be in enclosed buildings.
  - b. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
  - c. All exterior storage areas shall be subject to lot coverage requirements and shall be screened by a buffer yard, as defined herein, from adjoining roads, residential uses and residentially zoned (AR or R) properties.
5. Apparel and accessory stores
  6. Furniture and home furnishings stores
  7. Eating and drinking establishments including fast food or drive-in facilities
  8. Drug stores
  9. Liquor stores and beer distributors
  10. Used merchandise stores and flea markets
  11. Boat, farm, and trailer (R-V and mobile home) sales, including service or repair facilities as an accessory use conducted within a wholly enclosed building
  12. Banks and similar financial institutions including drive-in service
  13. Churches and related uses
  14. Retail and wholesale sales of goods and services
  15. Offices, Business Services, Repair Services
  16. Hotels, Motels, and similar lodging facilities
  17. Dry Cleaners, Laundries, and Laundromats
  18. Funeral Homes, Mortuaries and Crematoriums
  19. Commercial recreation facilities
  20. Commercial daycare facilities including family day care and group day care homes.
  21. Theaters and Auditoriums
  22. Educational and related facilities not meeting the requirements of a "SCHOOL" as defined herein.
  23. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, glass, Insulation, carpentry, cabinet making, painting, and automobile repair and service  
subject to the following:
    - a. All services performed shall be in enclosed buildings.
    - b. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
    - c. All exterior storage areas shall be subject to lot coverage requirements and shall be screened by a buffer yard, as defined herein, from adjoining roads, residential uses and residentially zoned (AR and R) properties.
  24. Health Service clinics and laboratories, family care and group care facilities.
  25. Hospitals, Nursing and Convalescent Homes.
  26. Assembly and fabrication of products to be sold on the premises provided the area devoted to assembly and fabrication does not exceed ten thousand (10,000) square feet subject to compliance with item 23, sub-items a and b.
  27. Shopping centers or retail or wholesale buildings not exceeding twenty thousand (20,000) square feet of retail space
  28. Municipal Uses
  29. Telecommunication towers and appurtenances provided any such tower is setback from any (R) District boundary a distance equal to its height.

30. Accessory uses customarily incidental to the above permitted uses
31. Essential Services
32. No-Impact Home Based Businesses

Any detached principal building existing on the effective date of this amendment may be used for one of the following residential uses:

- a. A single-family detached dwelling.
- b. The conversion of a single-family detached dwelling into a two-family dwelling.
- c. The establishment of an accessory apartment in addition to the existing principal permitted use of the lot.

B. Conditional Uses. Subject to the procedures, standards and criteria set forth elsewhere in this Ordinance, the following are permitted as Conditional Use:

1. Shopping Center or retail or wholesale building exceeding twenty thousand (20,000) square feet.
2. Mini-Warehouse defined as a building and/or series of buildings divided into separate storage units for personal property and/or property associated with a business or other organization.

C. Minimum Lot Size and Related Standards. Unless specified elsewhere in this Ordinance, the minimum standards shall apply, and no buildings or structures shall encroach into the minimum required yard areas:

1. On-Lot Water and Sewer 37,500 sq. ft.  
 Lot Width 150 ft.  
 Front Yard 50 ft.  
 Side Yard 20 ft. (Each)  
 Rear Yard 40 ft.  
 Building Height 35 ft.  
 (Maximum)
2. Public or Community Water or Sewer 20,000 sq. ft.  
 Lot Width 100 ft.  
 Front Yard 50 ft.  
 Side Yard 10 ft.  
 Rear Yard 35 ft.  
 Building Height 35 ft.  
 (Maximum)
3. Public or Community Water and Sewer 15,000 sq. ft.  
 Lot Width 80 ft.

Front Yard	50 ft.
Side Yard	10 ft.
Rear Yard	25 ft.
Building Height (Maximum)	35 ft.

4. Maximum Impervious Cover 70%

D. Landscaping Requirements: A minimum of thirty percent (30%) of the total site area shall be landscaped open space in compliance with the following standards:

1. A landscaped buffer shall be maintained adjacent to all perimeter setbacks, as follows:
  - a. Perimeter street: A minimum landscaped buffer of ten (10) feet shall be provided.
  - b. Side and Rear Property: Where the site area abuts a residential district or existing residential use, a landscaped screen buffer of ten (10) feet shall be required. Such screen buffer may consist of a masonry wall, wood fence, trees, shrubs, berms or combination thereof.
2. Internal circulation drives shall be landscaped with street trees. A minimum width of ten (10) feet along each side of the drives shall be landscaped.

### SECTION 3.4 (I) INDUSTRIAL DISTRICT

A. Permitted Uses. Subject to the regulations below and elsewhere in this Ordinance the following uses are permitted:

1. Automobile service stations and sales, service garages, automobile assembling, au body shops, painting, reconditioning, and tire retreading or recapping. These activities also include tractors/trailers, excavating and other heavy-duty vehicles and equipment.
2. Auto wrecking and junk establishments
3. Brick, pottery, tile and related manufacturers
4. Bottling works and bookbinding
5. Building materials storage, lumber yards and lumber mills
6. Blacksmith and machine shops
7. Carpenter, cabinet making, electrician, metal working, tinsmith and plumbing
8. Contractors equipment sales, service and storage
9. Mixing plants for concrete and asphalt
10. Freight and Trucking Terminals
11. Metal fabrication and forging

12. Gas manufacture and storage
13. Grain elevators and bulk storage of petroleum and similar products
14. Railroad yards
15. Electric power stations, electric and telephone public utility transmission and distribution facilities, including Municipal Buildings and Facilities
16. Laboratories
17. Distribution plants, parcel delivery
18. The manufacturing, compounding, processing or treatment of products and the assembling of articles or merchandise from previously prepared materials.
19. Printing and newspaper publishing
20. Textile manufacturing
21. Wholesale businesses, welding shops, warehouses, including Mini-Warehouses as provided in Section 3.3.B.2, and cold storage plants.
22. Telecommunication towers and appurtenances provided any such tower is setback from any (R) District boundary a distance equal to its height.
23. Agricultural operations as listed and regulated in Section 3.1, A, 1. And 2.
24. Offices for professional services, businesses, finance, insurance and other similar activities.
25. Accessory buildings and uses customarily incidental to the above uses including daycare facilities and health/fitness centers. However, no building, structure, or portion thereof shall be hereafter erected, structurally altered or converted for any residential use other than a bonafide caretaker or watchperson unless and until Conditional Use approval is appropriately granted.
26. Principle Solar Energy Systems (PSES) as listed and regulated in Section 3.1.A.18.
27. Principle Wind Energy Facilities (PWEF) as listed and regulated in Section 3.1.A.19.
28. Essential Services
29. No-Impact Home Based Businesses

B. Conditional Uses. Subject to the procedures, standards and criteria set forth elsewhere in this Ordinance, the following are permitted as a Conditional Use:

1. Adult-Related Uses
2. Industrial/Office Park Campus
3. Single-Family detached dwellings

C. Minimum Lot Design Requirements:

Lot Area	40,000 sq. ft.
Lot Width	150 feet
Lot Coverage (Maximum)	70%
Height (Maximum)	50 feet*
Front Yard	50 feet
Side Yard (Each)	25 feet
Rear Yard	35 feet

\*No building shall exceed a height of fifty (50) feet and for each foot that a building exceeds a height of thirty-five (35) feet the setback requirements shall be increased one (1) foot.

No buildings or structures shall encroach into the minimum required yard areas.

D. Landscaping Requirements:

A minimum of thirty percent (30%) of the total site area shall be landscaped open space in compliance with the following standards:

1. A landscaped buffer shall be maintained adjacent to all perimeter setbacks, as follows:
  - a. Perimeter street: A minimum landscaped buffer of twenty-five (25) feet shall be provided.
  - b. Side and Rear Property: Where the site area abuts a residential district or existing residential use, a landscaped screen buffer of twenty-five (25) feet shall be required. Such screen buffer may consist of a masonry wall, wood fence, trees, shrubs, berms or combination thereof.
2. Internal circulation drives shall be landscaped with street trees. A minimum width of ten (10) feet along each side of the drives shall be landscaped.

### SECTION 3.5 (C-I) COMMERCIAL/INDUSTRIAL DISTRICT

A. Permitted Uses. Subject to the requirements listed below and elsewhere in this Ordinance, the following uses are permitted:

1. Hotels and Motels
2. Restaurants
3. Business, Administrative, and Corporate Offices
4. Warehousing and Distribution
5. Freight and Trucking Terminals
6. Light Industrial activities
7. Accessory buildings and uses customarily incidental to the permitted uses.
8. Assisted Living Facilities, Hospitals, Nursing and Convalescent Homes subject to the following:
  - a. Such project shall contain a minimum of ten (10) contiguous acres.
  - b. There shall be a minimum of two (2) separate points of ingress and egress.
  - c. All personal and commercial services which may be provided shall be designed and located to serve the residents therein and not the public at large.
  - d. Off-street parking shall be provided in accordance with Section 5.2.13.
9. Agricultural operations as listed and regulated in Section 3.1.A.

10. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, glass, insulation, carpentry, cabinet making, painting and automobile repair and service subject to the following:
  - a. All services performed shall be in enclosed buildings.
  - b. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
  - c. All exterior storage areas shall be subject to lot coverage requirements and shall be screened by a buffer yard, as defined herein, from adjoining roads, residential uses and residentially zoned (AR or R) properties.
11. Health Service Clinics, laboratories, family care and group care facilities.
12. Assembly and fabrication of products to be sold on the premises provided the area devoted to assembly and fabrication does not exceed ten thousand (10,000) square feet subject to compliance with item 10, sub-items a and b.
13. Municipal Uses.
14. Telecommunication towers and appurtenances provided any such tower is setback from any (R) District boundary a distance equal to its height.
15. Blacksmith and machine shops.
16. Printing and newspaper publishing.
17. Welding shops
18. Automobile dealers, service stations, garages and car washes subject to the following:
  - a. All services performed shall be in enclosed buildings.
  - b. No outdoor storage of parts, equipment, lubricants, fuel or other material used or discarded, as part of the service or repair operation, shall be permitted.
  - d. All exterior storage areas shall be subject to lot coverage requirements and shall be screened by a buffer yard, as defined herein, from adjoining roads, residential uses and residentially zoned (AR or R) properties.
19. Essential Services
20. No-Impact Home Based Businesses

B. Development Standards

1. Setback Requirements
  - a. Perimeter Street Setbacks: No structure shall be located closer than seventy-five (75) feet to an existing public street right-of-way. No structure shall be located closer than fifty (50) feet from an internal access drive (public or private street) serving the development site.
  - b. Side and Rear Property Line Setbacks:
    - (1) A minimum side and rear yard setback of one hundred (100) feet shall be required from any property line that is common with or adjacent to a R - Residential District boundary.
    - (2) A minimum side and rear yard setback of fifty (50) feet shall be required from a property line that is common with or adjacent to a non-residential district.

- (3) No buildings or structures shall encroach into the minimum required yard areas.
  2. Internal Building Setbacks
    - a. Within a development site, front to front and rear to rear facing structures shall have a minimum of eighty (80) feet between faces.
    - b. Within a development site end wall faces of structures and front or rear faces of structures shall have minimum separation of fifty (50) feet.
  3. Landscaping Requirements

A minimum of thirty percent (30%) of the total site area shall be landscaped open space in compliance with the following standards:

    - a. A landscaped buffer shall be maintained adjacent to all perimeter setbacks, as follows:
      - (1) Perimeter street: A minimum landscaped buffer of thirty (30) feet shall be provided.
      - (2) Side and Rear Property: Where the site area abuts a residential district, a landscaped screen buffer of thirty (30) feet shall be required. Such screen buffer may consist of a masonry wall, wood fence, trees, shrubs, berms or combination thereof.
    - b. Internal circulation drives shall be landscaped with street trees. A minimum width of ten (10) feet along each side of the drives shall be landscaped.
  4. Site areas shall not be developed so as to establish or promote direct or indirect access corridors passing through residential zones.
  5. No building shall exceed a height of fifty (50) feet and for each foot that a building exceeds a height of thirty-five (35) feet the setback requirements set forth in 3.5.B.1 shall be increased one (1) foot.
- C. Minimum Lot Area and Related Requirements. The minimum lot area and related requirements will be controlled by the above Development Standards as well as the parking circulation and landscaping standards of this Ordinance.

## SECTION 3.6 VILLAGE OVERLAY ZONE (VO)

- A. Purpose and Intent - In compliance with Sections 605.(2) and 605.(3) of the Act, this Zone provides an optional set of design standards that can be applied to property located within the R Residential Zone. These optional design standards seek to achieve a "village" type setting that is characteristic of much of Franklin County's built environment and heritage. All of the design standards of this Zone are vital if the "village" atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self imposed by prospective developers, but enforceable by the Township.

It is the further intent of the Board of Supervisors to encourage flexibility, economy and ingenuity in the development of tracts within this Zone. To this end, the Board of



Supervisors shall, by conditional use approval, permit the developer to modify the design standards of this Section if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design.

Some of the specific development objectives of the Zone include the design and construction of neighborhoods that:

1. Are distinct in their incorporation of important natural and cultural features;
2. Provide for a diversity of housing types, sizes, and costs with particular emphasis on scattered-site affordable housing opportunities;
3. Provide for convenient vehicular access to the neighborhood's edge but in creased reliance upon pedestrian movements within its bounds;
4. Integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
5. Make efficient use of local infrastructure and services;
6. Reflect the historic and traditional building styles so abundant within the region;
7. Reserve and feature civic uses and open spaces as community focal points;
8. Provide safe, efficient, and compatible linkages with existing nearby land uses, streets, sidewalks, etc.;
9. Invite regular and frequent social interaction among its inhabitants; and,
10. Blend all of these above-described features in a way that promotes community identification and a "sense-of belonging" for the residents.

These development objectives will be used as a measure of conformance with any proposed development within this Zone.

- B. Relationship to Other Ordinances and Sections of this Zoning Ordinance - The provisions of this Section create a conditional use overlay zone which may be applied to lands within the R Zone. This Zone may only be applied to property upon approval by the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors. Such overlay zone establishes different land use and design requirements from those contained in this and other ordinances of the Township. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this section shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.
- C. Severability and Repealer - Should any part of this Section be declared invalid by the courts, the entire Section shall be automatically repealed.
- D. Review Procedures - All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s). Prior to submitting a conditional use application under this Section, the applicant is highly encouraged to meet with the Township staff to discuss

the project.

E. Conditional Uses

1. Public uses and public utilities structures;
2. Public and/or nonprofit parks;
3. Churches and related uses;
4. Single-family detached dwellings;
5. Duplexes;
6. Townhouses with no more than five (5) units per building;
7. Quadraplexes;
8. Accessory building apartments with no more than one (1) dwelling unit, subject to the criteria listed in this Ordinance;
9. Home occupations subject to the criteria listed in this Ordinance;
10. Family day-care subject to the criteria listed in this Ordinance;
11. The following locally-oriented businesses:
  - a Barber, beauty, tanning, and health salons;
  - b. Tailors, off site dry cleaning, and shoe repair services;
  - c. Retail sales and/or rental of goods such as, but not limited to, antiques, apothecaries, packaged beverages, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco;
  - d. Delicatessens, bakeries, ice cream shops, caterers, restaurants, and fast-food restaurants, provided no drive-through facilities are used;
  - e. Photographic, music, art and dance studios;
  - f. Professional, medical, and/or dental offices;
  - g. Banks, including outdoor tellers if pedestrian-oriented, and similar financial institutions, provided no drive-through facilities are utilized; and,
  - h. Repair of clocks, jewelry, cameras, electronics, and small household appliances.
12. Accessory uses customarily incidental to the above permitted uses.

- F. Minimum Area Requirements - All applications shall contain no less than fifteen (15) contiguous undeveloped acres in single ownership in the R Zone. However, applications that expand previously approved Village Overlay Zone development shall have no minimum area requirements.

- G. Required Mixture of Uses - All Village Overlay Zone developments shall provide a mixture of uses that conform with the following ratios of net acreage (excluding streets, alleys, and utility rights-of-way):

Use	Required Percentage
Public, Civic, Open Spaces	Minimum 25%
Single-Family Detached Dwellings (including accessory apts.)	Minimum 35%
Other Dwellings (duplexes, townhouses, Quadraplexes)	10-30%
Local Commercial Uses	Maximum 5%

- H. Maximum Coverage - In no case shall more than fifty-five percent (55%) of a Village Overlay Zone development site be covered with buildings and/or other impervious surfaces.
- I. Architectural Considerations - All proposals within the Village Overlay Zone must incorporate architectural treatments and styles that complement the Townships historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented and analyzed with the following criteria:
1. Proportion of Buildings Front Facades - The relationship between the width of the front of the building and the height of the front of the building.
  2. Proportion of Openings Within the Building - The relationship of width to height of windows and doors.
  3. Rhythms of Solids to Voids in the Front Facade - Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.
  4. Rhythm of Spacing of Buildings on Streets - In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
  5. Rhythm of Entrance and/or Porch Projections - Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.
  6. Relationship of Materials - Within an area, the predominant materials may be brick, stone, stucco, wood, siding, or other approved material.
  7. Relationship of Textures - The predominant textures of an area may be smooth, such

as stucco, or rough as brick with tooled joints or horizontal wood, siding, or other textures.

8. Walls of Continuity - Physical ingredients, such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these form continuous, cohesive walls of enclosures along the street.
9. Relationship of Landscaping - There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
10. Paving Materials - There may be a predominance in the use of brick pavers, cobblestones, granite blocks or approved others.
11. Directional Expression of Front Elevation - Structural shape, planning of openings and architectural detail may provide a predominantly vertical, horizontal, or non-directional character to the building's facade.
12. Scale - Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches, and balconies, etc.
13. Relationship of Color - Insofar as the mass and detail, such as trim, are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending of colors of trim is also a factor
14. Relationship of Architectural Details - Architectural details and their relationship to the structure in question and adjacent ones, including but not limited to, cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.
15. Relationship of Roof Shapes - Buildings should have compatible roof shapes, such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
16. A description of any nonstructural site improvements (buffering, landscaping, and screening) that will be used to protect the integrity of the historic resources.

## J. Design Requirement

### 1. Lot Design Standards - See following table:

Permitted Dwelling Type	Minimum Lot Width at Building Line	Maximum Lot Coverage (3)	Front Build-to Line (1)	Minimum Yard Setbacks (2)			Minimum Permitted Density (Units/Net Acre)
				One Side	Both Sides	Rear	
Single-Family Detached(4)	50 ft.	50%	10-15 ft.	6 ft.	12 ft.	20 ft.	6
Duplex	40 ft. per unit	70%	10-15 ft.	6 ft. per unit	N/A	20 ft.	7
Townhouse(5)	18 ft. per unit	70%	10-15 ft.	10 ft. end units	N/A	20 ft.	7
Quadraplex	30 ft. per unit	70 %	0-15 ft.	10 ft. end units	N/A	20 ft.	7

- (1) No less than seventy percent (70%) of a buildings front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to line; except, however, no less than fifty percent (50%) of any townhouse or quadraplex building must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building including porches. No part of any building shall extend closer to a street than the front build-to line.
- (2) Required setbacks for accessory structures shall be six (6) feet from rear and side lot lines. No accessory buildings shall be permitted within the front yard.
- (3) Maximum lot coverage requirements shall not apply to porches located within the front yard.
- (4) In addition to the principal dwelling, an accessory building apartment is permitted by special exception, subject to the criteria listed herein. Such accessory building apartments shall not be calculated as part of the maximum permitted density depicted for single-family detached dwellings in this table.
- (5) No townhouse building shall contain more than five (5) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be five (5) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following separation distances will be provided between each building:
  - a. Front to front, rear to rear, or front to rear parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- d. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands.

2. Residential Building Design Standards - All residences shall comply with the following:

- A. Building Height - All principal residences shall be between one and one-half (1 2 ), and three (3) stories in height. Accessory buildings shall be no more than fifteen (15) feet high unless an accessory apartment is provided; in such cases, an accessory building can extend up to two (2) stories;
- B. Building Orientation and Porches - All residential buildings' main entrance shall face the lot's front yard. At least fifty percent (50%) of all detached dwellings located along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines; and,
- C. Residential Building Width - No residential dwelling shall be greater than one hundred (100) feet wide as measured parallel, or approximately parallel, with any street line.

3. Vehicular Access and Parking Requirements for Residences - All driveways and offstreet parking shall be provided within the rear yard. However, one joint-use driveway shall be permitted to extend into the front yard to connect with a public street, along a common lot line serving at least two (2) adjoining residences. Driveway widths shall range between ten (10) and twelve (12) feet. In no case shall any joint-use driveway serve more than four (4) dwelling units.

For purposes of this Section normal frontage requirements are partially waived to allow the creation of dwelling lots that do not have public street frontage; however, such lots must front along a commonly-held pedestrian path, and have direct access to a public alley, or a joint-use driveway. In such cases, the lots front yard shall be that which is along the common pedestrian path. Furthermore, the lots front build-to line shall be measured from the edge of the common pedestrian path;

- 4. All mail and newspaper boxes shall be attached to the buildings front facade; and,
- 5. No above-ground accessory residential swimming pools, except portable "kiddie pools," shall be permitted.

K. Commercial Design Requirements - Within the Village Overlay Zone, those limited

commercial activities as listed shall be permitted in one or a combination of the two following alternative design schemes:

1. Commercial Courtyard - This design scheme provides for a centralized pedestrian-oriented commercial courtyard that provides a maximum separation of commercial patrons from vehicular traffic:
  - A. Where practicable, all commercial land uses shall be centralized within one area which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhood(s) whose residents would also patronize the commercial courtyard;
  - B. Commercial courtyards shall also be integrated upon a system of sidewalks and/or pedestrian pathways, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the commercial courtyard;
  - C. Where practicable, commercial courtyards will be contiguous or directly across a street from common greens. Furthermore, commercial courtyards shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.);
  - D. Commercial courtyards shall consist of one minimum thirty-five (35) foot wide pedestrian path which generally runs perpendicular from adjoining streets. Such pedestrian path shall have a dust-free impervious surface with lamp posts, trash receptacles, shade tree beds, pedestrian benches, and similar amenities;
  - E. Each commercial building's main facade, sign, and customer entrance must front on the commercial courtyard. At least fifty percent (50%) of the commercial buildings main facades shall be placed upon a five (5) foot build-to-line, as measured from the nearest edge of the courtyard's pedestrian path; however, this requirement can be waived for outdoor cafes, so long as a three (3) foot high fence is placed along the same build-to-line;
  - F. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial courtyard. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise, and litter;
  - G. One sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the courtyard's pedestrian path. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of



fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours;

- H. Signs for commercial uses within the commercial courtyard shall only include flat wall signs or wall projecting signs. Overall sign size shall be limited to six (6) square feet per sign, per business. Each business will be permitted one such sign along the courtyard pedestrian path, plus another oriented to its street side. The commercial courtyard is also permitted one freestanding archway which crosses over the common pedestrian path. Such archway must be used to identify a common name of the commercial courtyard;
- I. Vehicular access, off street parking, and off street loading shall be located in the commercial use's front yard (directly opposite the common pedestrian path or courtyard) between the building and a public street. As an alternative, off street parking and loading can be provided on a separate common area shared by adjoining businesses. Such common parking and loading shall be not more than three hundred (300) feet from any of the uses it serves, shall be linked via a sidewalk to the courtyard's common pedestrian path, and shall be screened from the common pedestrian path, adjoining roads, and adjoining residential areas;
- J. Required Off Street Parking - Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one (1) space per two hundred (200) square feet of total floor area.

Off-street parking lot design standards shall follow those specified for all commercial uses contained herein. All off street parking for commercial uses shall be set back no less than twenty-five (25) feet from any adjoining property used principally for residential purposes. Furthermore, any street access to any off street parking space must be set back at least forty (40) feet from the right-of way lines of any intersecting street, or five (5) feet from a fire hydrant;

- K. For each commercial use, one upper-floor apartment with a separate ground level access and one off street parking space may be provided;
- L. No business shall comprise more than two thousand (2,000) square feet of gross floor area (excluding the upper-floor apartment);
- M. For each thirty (30) dwelling units occupied, one (1) commercial use may be constructed;
- N. Lot Area Requirements - Five thousand (5,000) to ten thousand (10,000) square feet per store;



O. Lot Width Requirements - Twenty-five (25) to eighty (80) feet per store front, except that, when a commercial use adjoins a lot or lots used principally for residential purposes, the maximum lot width shall be increased to accommodate a required twenty-five (25) foot wide landscape buffer strip;

P. Maximum Lot Coverage - Ninety percent (90%);

Q. Minimum Required Setbacks - See following table:

Use	Front Yard	Side Yards Abutting Other Commercial Uses	Side Yards Abutting Public or Residential Uses	Rear Yard
Building	54 ft. (1)	None	25 ft.	25 ft.
Off-Street Parking	See Parking	None	25 ft.	Not Permitted
Off-Street Loading	10 ft.	None	50 ft.	Not Permitted
Dumpster	25 ft.	None	50 ft.	Not Permitted

- (1) Building front yard setbacks can be reduced in two separate instances. First, a minimum twenty (20) foot setback can be used when no off-street parking nor loading is provided between the building and the adjoining street. In such cases, this area shall be used for a minimum eight (8) foot wide sidewalk and a planting strip that comprises at least twenty-five percent (25%) of the area contained within the front yard. Second, the building front yard setback can be reduced to thirty (30) feet when perpendicular or angled "head-in" parking spaces directly front an access easement. In this case, the thirty (30) foot strip shall be comprised of a minimum ten foot wide landscape strip with sidewalk, and the balance used for actual parking space.

R. Required Off Street Loading - See Parking Standards of this Ordinance;

S. Height Requirements - All buildings shall have two (2), two and one-half (2 1/2), or three (3) stories;

T. Outdoor Storage - No outdoor storage is permitted;

U. Waste Products - Dumpsters may be permitted within the side or front yard, provided such dumpsters are screened from any adjoining roads and or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be

completely enclosed within a masonry or "Asight-tight" fenced enclosure equipped with a self latching door or gate;

- V. Architectural Considerations - All commercial buildings shall be reviewed in relation to the architectural criteria of this Section.
  - W. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings; and,
  - X. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
2. Main Street Setting - This design scheme provides for a centralized main street streetscape similar to that characterized by many of the historic villages and boroughs of the County.
- A. Unless impractical, all commercial land uses shall be centralized within one area which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhood(s) whose residents would also patronize the commercial uses;
  - B. Main street settings shall be integrated upon a system of sidewalks, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the main street area;
  - C. Where practicable, main street settings will be contiguous to, or directly across a street from, common greens. Furthermore, main street settings shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.);
  - D. Main street settings shall require that commercial uses front along a new arterial or collector road serving the development;
  - E. Main street settings shall include sidewalks with lamp posts trash receptacles, pedestrian benches, shade trees, and other similar amenities;
  - F. Each commercial building's facade, sign, and customer entrance must be oriented toward its adjoining street. At least fifty percent (50%) of the commercial buildings main facades shall be placed upon a five (5) foot front build-to-line; however, this requirement can be waived for outdoor restaurant

cafes, so long as a three (3) foot high fence is placed along the same build-to-line;

- G. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted so long as they architecturally and visually complement the overall appearance and function of the main street setting. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter;
- H. One (1) sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the main street sidewalk. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours;
- I. Signs for commercial uses within the main street setting shall only include flat wall signs or wall projecting signs. Overall sign size shall be limited to six (6) square feet per business. Each business will be permitted only one such sign. Another two (2) square foot wall sign is permitted facing the building's off street parking area;
- J. Required Parking and Loading - Minimum required off street parking spaces for commercial uses are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one (1) space per two hundred (200) square feet of total floor area. Required off street loading spaces shall be determined by the applicable standards. Such off-street parking and loading areas shall be located behind any commercial building in the rear yard. All off street parking and loading space areas shall be provided on an integrated basis so that all uses are physically interconnected and share available parking and loading spaces. Cross access easements to ensure such integration shall be required in language acceptable to the Township's Solicitor. For the purposes of this Zone, the schedule of required parking spaces listed in this Ordinance shall not apply. However, all other design standards shall be enforceable. All vehicular access to such areas shall be via common access drives, preferably not directly from the main street area, but from an intersecting side street. In addition to the above-described off street parking, on-street parking shall be provided as parallel parking along any side of the street upon which commercial uses front;
- K. For each commercial use, one upper-floor apartment with a separate ground-level access and one (1) off street parking space may be provided;

- L. No business shall comprise more than two thousand (2,000) square feet of gross floor area (excluding the upper-floor apartment);
- M. For each thirty (30) dwelling units occupied, one commercial use may be constructed;
- N. Lot Area Requirements - Five thousand (5,000) to ten thousand (10,000) square feet per store;
- O. Lot Width Requirements - Twenty-five (25) to eighty (80) feet per store front, except that, when a commercial use adjoins a lot or lots used principally for residential purposes, the maximum lot width shall be increased to accommodate a required twenty-five (25) foot wide landscape buffer strip;
- P. Maximum Lot Coverage - Ninety percent (90%);
- Q. Minimum Required Setbacks - See the following table:

Use	Front Yard	Side Yards Abutting Other Commercial Uses	Side Yards Abutting Noncommercial Uses	Rear Yard Abutting Other Commercial Uses	Rear Yard Abutting Noncommercial Uses
Building	25 ft.	None	0 ft.	50 ft.	50 ft.
Off-Street Parking	Not Permitted	None	15 ft.	None	15 ft.
Off-Street Loading	Not Permitted	None	25 ft.	None	25 ft.
Dumpster	Not Permitted	None	50 ft.	None	50 ft.

- R. Height Requirements - All buildings shall have two (2), or two and one-half (2 ½) stories;
- S. Outdoor Storage - No outdoor storage is permitted;
- T. Waste Products - Dumpsters are permitted within the rear yard. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or "sight- tight" fenced enclosure equipped with a

self latching door or gate;

U. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings; and,

V. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

L. Open Space Design Requirements - As specified in Subsection J. no less than twenty-five percent (25%) of the total development site's net acreage shall be devoted to public, civic, and/or open space uses. The following standards shall also be applied to these areas:

1. Of the total twenty-five percent (25%) required, no less than two-thirds (2/3) shall be used for commonly-held public open spaces. Any remaining area shall be reserved for centralized common greens, such as playgrounds, picnic pavilions, and neighborhood parks, or public schools, churches, meeting halls, swimming pools, libraries, museums, and other similar uses;
2. The location and design of required public open spaces shall be largely determined by a proper site planning process. As part of this process, applicants shall be required to prepare a natural and cultural features inventory of the site. Qualified experts must identify and plot each of the following found on the proposed site:

- X 100-year floodplains
- X steep slopes (greater than fifteen percent (15%))
- X wetlands, streams, ponds, or other water bodies
- X sinkholes, caves, vistas, or other significant geologic features
- X threatened or endangered species habitats
- X archaeological resources
- X historic resources
- X significant stands of mature trees

From this inventory and plot, it shall be incumbent upon the applicant to demonstrate that the proposed schematic design of the Village Overlay Zone development minimizes disturbance of, but integrates, these features to provide a safe and attractive network of common pedestrian paths that link areas within the proposed development and connect with nearby uses of the Township. All common pedestrian paths shall consist of an all weather durable surface that is at least five (5) feet wide;

3. An essential element of the Village Overlay Zone development application is a written description and plan for the disposition of ownership of common open space

land designating those areas to be offered for dedication, or to be owned by the specific form of organization proposed. The common open space shall be owned and maintained in a manner to insure its preservation. This shall be accomplished through one of the following:

- A. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
- B. With permission of the Township and appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township;
- C. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners, associations found in the Pennsylvania Uniform Condominium Act 68 Pa C.S. 3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
  - a. Such organization shall not dispose of the common open space by sale or otherwise except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
  - b. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
  - c. The Township may require the establishment of a reserve fund to provide for maintenance of, or capital improvements to, the common open space.
- M. Streets, Sidewalks and Alleys - Within the Village Overlay Zone, the following design standards shall be applied to streets, sidewalks, and alleys:

1. The following table lists required street, sidewalk, and alley widths:

Functional Street Classification	Number of Travel Lanes	Number of Parallel Parking Lanes	Minimum Required Cartway Width	Minimum Required Sidewalk and Related Planting Strip Width <sup>(1)</sup>	Minimum Required R.O.W. Width
Arterial or Collector	2	2	40 ft.	20 ft.	60 ft.
Local	2	2	36 ft.	20 ft.	56 ft.
Local	2	1	28 ft.	20 ft.	48 ft.
N/A	2-way alleys	0 (2)	16 ft.	0	16 ft.
N/A	1-way alleys	0 (2)	11 ft.	0	11 ft.
N/A	1-way access drives	0	9 ft.	0	9 ft.
N/A	2-way access drives	0	18 ft.	0	18 ft.
N/A	joint-use driveway	0	16 ft.	0	16 ft.

- (1) Sidewalks shall be provided,  
(2) No parking shall be permitted within alleys.

2. Where practicable, the design of streets, alleys, and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby streets, alleys, and sidewalks. The use of cul-de-sac streets and alleys is forbidden, unless accompanied by plans of future adjacent street connections;
3. All public streets that connect with existing arterial or collector roads (as depicted on the Official Zoning Map) provide access to commercial uses, and/or act as collector roads within the proposed development, shall be designed with a minimum centerline turning radius of one hundred fifty (150) feet. All other roads shall be designed with a minimum centerline turning radius of eighty (80) feet. All intersections of driveways, joint-use driveways, access drives, and/or streets shall provide a clear sight triangle in accordance with the SLDO;
4. Both sides of all public streets shall be lined with five (5) foot wide sidewalks, and



five (5) foot wide sidewalk planting strips; however, where sidewalks directly abut on street parking spaces fronting commercial uses, such sidewalks shall be at least eight (8) feet wide. Sidewalks and sidewalk planting strips shall weave beside, and in-and-out of one another. At driveway, access drive, and street intersections, all sidewalks shall include aprons for access by handicapped persons according to standards contained within the latest version of the Americans With Disabilities Act.

Sidewalk planting strips shall stop no less than twenty (20) feet from the curb line of an intersecting street; in these areas, ten (10) foot wide sidewalks shall be provided. In addition, sidewalk planting strips can be replaced with ten (10) foot wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and access points of public uses and parks). One shade tree shall be provided every fifty (50) feet, or fraction thereof of linear sidewalk planting strip.

N. Public Utility and Service Requirements - All proposals within the Village Overlay Zone must comply with the following:

1. Both public sewer and public water shall be used throughout the development;
2. Where practicable, the retention and regenerative percolation of storm water runoff shall be located within common passive open spaces;
3. All utility lines shall be located underground and within public streets, alleys, or other public rights-of way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads;
4. All public streets shall be provided on one, or both, side(s) with street lights. Such street lights shall be placed every one hundred (100) lineal feet and shall be of such design and light intensity to complement the development's architecture;
5. Bus stops, if provided, shall be placed at appropriate location(s) along major roads serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand (1,000) feet from its bus stop. Furthermore, the selection of bus stops shall be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one, ten by twenty foot (10' x 20') sidewalk section, one permanently anchored park bench, and a shade tree;
6. Applicants are required to obtain a letter from the Emergency Management Coordinator of the company that would provide first-call service to the proposed development. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and emergency vehicle turning radii.

O. Subsequent Revisions Within the Village Overlay Zone

1. Except as provided herein, any change proposed within a previously approved Village Overlay Zone will require the obtainment of a conditional use according to the procedures and standards listed in this Ordinance. The evaluation of such conditional use will be based upon its compliance with the specific requirements of this Section and other applicable provisions of this Ordinance, as well as any conditions of approval attached to the original approval;
2. Minor revisions of existing uses which were previously approved as part of a Village Overlay Zone are permitted by right, if they:
  - A. Do not violate any design standards specifically imposed upon the proposed use and its site;
  - B. Do not change any principal use;
  - C. Do not violate any of the standards imposed upon the entire development;
  - D. Do not violate any conditions attached to the original approval of the Village Overlay Zone; and,
  - E. Do not adversely affect the architecture of the approved existing development.
3. The following accessory uses may be established by special exception, subsequent to approval of a Village Overlay Zone development, subject to their respective specific criteria and the rules and procedures of this Ordinance:
  - A. Home occupations;
  - B. Family day-care; and,
  - C. Accessory apartments

P. Modifications of Design Standards

The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such conditional use approval shall, when making application for conditional use approval for village development, also make application for conditional use approval under this section. The Board of Supervisors shall consider both conditional use approval requests

simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

- A. Such modifications of design standards better serve the intended purposes of this Zone;
- B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Village Overlay Zone development;
- C. Such modifications will not result in an increase in residential densities permitted for the site; and,
- D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with these regulations.
- E. Modification of design standards shall not include any departure or relief from Subsection 3.6, G, Required Mixture of Uses.

## ARTICLE 4

### FLOOD PLAIN MANAGEMENT

#### SECTION 401.

Any proposed use occurring within a floodplain as identified in Ordinance 2011-08, the Flood Plain Management Ordinance, as amended from time to time, shall be in strict conformity with the provisions of the Zoning Ordinance and the Flood Plain Management Ordinance.

#### SECTION 402. ESTABLISHMENT OF FLOOD PLAIN OVERLAY DISTRICTS:

##### 1. Overlay Concept.

- A. The Flood Plain Districts described in the Flood Plain Management Ordinance shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions of the Flood Plain Districts shall serve as a supplement to the underlying district provisions, provided they are a permitted use in such underlying district.
- B. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain provisions or requirements of any of the Flood Plain Districts and those of any underlying district, the more restrictive provisions shall apply.

##### 2. Zoning Map.

The boundaries of the Flood Plain Districts are established as incorporated into the Guilford Township Zoning Map. Refer to Section 105, INTERPRETATION, as contained in this Ordinance.

#### SECTION 403. SPECIAL EXCEPTIONS IN FLOOD PLAIN DISTRICTS

##### 1. Review Factors.

In reviewing applications for Special Exceptions in Flood Plain Districts, as permitted by the Floodplain Management Ordinance or the Zoning Ordinance, the Zoning Hearing Board shall consider all relevant factors and procedures specific in other sections of the Zoning Ordinance and:

- A. The danger to life and property due to increased flood elevations or velocities caused by encroachments.

- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
  - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - E. The importance of the services provided by the proposed facility to the community.
  - F. The requirements of the facility for a waterfront location.
  - G. The availability of alternative locations not subject to flooding for the proposed use.
  - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - J. The safety of access to the property in time of flood of ordinary and emergency vehicles.
  - K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - L. Such other factors which are relevant to the purposes of this Ordinance.
2. Supplemental Technical Review.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified persons or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

3. Conditions For Approving Special Exceptions.

- A. Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
  - (1) Unacceptable or prohibited increases in flood heights;

- (2) Additional threats to public safety;
- (3) Extraordinary public expense;
- (4) The creation of nuisances;
- (5) Any fraud or victimization of the public; or
- (6) Any conflict with local laws or ordinances.

- B. No special exception shall be granted for any proposed use, development, or activity within any floodway district (FW) that will cause any increase in flood elevations.

#### SECTION 404. VARIANCES WITHIN THE FLOOD PLAIN DISTRICTS:

##### 1. General.

If compliance with any of the requirements of this Article or the use requirements of the Floodplain Management Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

##### 2. Variance Procedures and Requirements.

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

- A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred (100) year flood elevation.
- B. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life.
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

- E. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
- (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
- (1) That there is good and sufficient cause.
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood elevations, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinance and regulations.
  - (4) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.
- G. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.



## ARTICLE 5

### OFF-STREET PARKING

#### SECTION 5.1 GENERAL PARKING REGULATIONS:

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
2. Unless determined unnecessary by the Township Engineer, parking spaces and approaches thereto shall be paved in accordance with Township standards. Outdoor parking spaces shall not be deemed to be part of the open space of the lot on which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. All commercial, public, institutional, and industrial uses shall provide a minimum of one (1) handicapped parking space or five percent (5%) of the parking spaces required, whichever, is greater, the design to be approved by the Township Engineer.
5. In AR and R districts the driveway area located within the front yard setback may be used for parking purposes, and in the C, C-I, and I districts parking may be permitted to be located no closer than twenty (20) feet from the street right-of-way line.
6. The parking of any non-motorized vehicle (including boats and trailers) or any motorized vehicle not having a current and valid registration and inspection certificate is prohibited within any street right-of-way.

#### SECTION 5.2 FACILITIES REQUIRED:

Any of the following facilities hereafter erected or enlarged and any facility hereafter converted into one of the following facilities and any open space hereafter used shall be provided with not less than the minimum parking spaces as set forth below, together with adequate access ways, driveways or other means of circulation and access to and from a street.

## OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
1. Automotive Sales and Service Garages	1 parking space for each 100 sq. ft. of floor area devoted to service facilities or 5 spaces for each service bay whichever is greater, plus 1 space for each 200 sq. ft. of floor area devoted to sales facilities or usage plus 1 space for each full-time employee.
2. Automobile Wash	5 for each washing machine
3. Banks or Professional Offices, other than Medical Offices.	1 space for each 200 sq. ft. of floor area
4. Bowling Centers	5 spaces for each lane
5. Dance Halls, Swimming Pools, Roller Rinks, Clubs, Lodges, and other similar uses	1 space for each 100 sq. ft. of floor area or of surface water area in swimming pool
6. Elderly Housing (Multi-Family Dwellings)	1 space per dwelling unit
7. Family Care and Group Care Facilities	1 space for every 2 residents plus 1 space for each employee in the maximum working shift
8. Family Day Care and Group Day Care Homes	1 space for each nonresident employee plus 1 space for passenger loading/unloading per 4 nonresident children
9. Food Markets and Convenience Stores	1 space for each 200 sq. ft. of floor area
10. Funeral Homes, Mortuaries	1 parking space for each 50 sq. ft. of floor area for use of memorial services, viewing area, business office and products display
11. Furniture or Appliance Stores	1 space for each 200 sq. ft. of floor area
12. Home Occupations (the following standards are for spaces in addition to the ones required for the residence).	
a. Legal Office: One (1) space for each employed person; (the resident attorney, an associate, etc.) two (2) additional spaces for clients and occasional sales persons or consultants.	

- b. Architects and Landscape Architects: One (1) space for the resident architect and one additional space for an employee. Two (2) additional spaces for clients and/or other visitors.
  - c. Engineers and Accountants: One (1) space for the resident and one (1) additional space for an employee. Two (2) additional spaces for clients and occasional visitors.
  - d. Physicians and Dentists: One (1) space for the resident and one (1) additional space for the employee, associate or other affiliated person; and three (3) additional spaces for patients.
  - e. Realtors, Insurance Agents, Offices of Elected Officials: Three ( 3 ) spaces.
  - f. Barber Shops and Beauty Parlors: Three (3) spaces. If there is only one customer facility provided, (one (1) barber chair - one (1) dryer, etc.) two (2) spaces may be approved.
  - g. Dressmakers, Milliners and Others: Two (2) spaces.
- 
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|--|--|
| 13. Hospice Facility   | 4 spaces per patient bed   |
| 14. Hospitals, Nursing and Convalescent Homes  | 1 space for every 3 beds, plus 1 space for each 2 employees in the maximum working shift plus 1 space for each staff doctor, on the maximum working shift  |
| 15. Hotels, Motels, Boarding and Lodging/Rooming Houses, Bed and Breakfast Establishments      | 1 space for each guest room plus 1 space for each 2 employees in the working shift   |
| 16. Industrial Uses (mills, manufacturing or assembly plants, warehousing, laboratories, etc.) | 1 space for each 1000 sq. ft. of floor area, plus 1 space for each 2 employees in the maximum working shift. The total parking area shall not be less than 25% of the floor area. The warehouse portion of a permitted use shall provide a minimum of 1 space per 5,000 sq. ft. of warehouse floor area. |
| 17. Medical Centers/Offices  | 1 space for every 200 sq. ft. of floor area  |
| 18. Multiple Dwellings   | 1.5 spaces per dwelling unit   |
| 19. Nursery Schools (Day Care Centers)   | 1 space for each employee and 1 space for passenger loading/unloading per 4 children   |
| 20. Places of public or private assembly (churches, community centers,                         | 1 space for every 4 seats or 1 space for each 100 sq. ft. of floor area where no seats are   |

theaters, or similar meeting and assembly uses)	provided
21. Restaurants, Tea Rooms, Taverns, and Nightclubs	1 space for every 3 seats
22. Retail Stores and Shops	1 space for each 200 sq. ft. of floor area
23. Schools	1 space per 15 students in elementary schools; 1 space per 10 students in other schools or 1 space for each 60 sq. ft. of auditorium space, whichever is greater (based on maximum allowable student capacity)
24. Single and Two-Family Dwellings	2 spaces per dwelling unit
25. Utility or Communication Station	1 space per vehicle normally required to service such facility

#### Section 5.3 LOCATION AND MANAGEMENT REQUIREMENTS:

1. Existing Parking. Buildings and uses existing on the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the type or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
2. Changes in Requirements. Whenever there is an alteration of a building or a change or extension of a use which increases the parking requirements according to the standards, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
3. Conflict With Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
4. Continuing Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.
5. Drainage, Surfacing and Maintenance.
  - a. The area of parking lots, including driveways not used for single-family and agricultural purposes, shall be graded, surfaced with asphalt or other suitable material, and drained in accordance with other applicable codes and ordinances

enacted by the Township, and approved by the Township Engineer.

- b. Parking areas shall be kept clean and free from rubbish and debris.
  - c. In all cases, such drainage, surfacing, and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Township.
6. Joint Use. Two or more uses may provide for required parking in a common parking lot, if the total space provided is not less than the sum of the spaces required for each use individually.
7. Computation of Spaces. Where the computation of required parking space results in a fractional number, any fraction shall be counted as one.
8. Location Of Spaces.
  - a. Single and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.
  - b. Parking spaces for multiple dwelling buildings, commercial, industrial, and other non-residential uses shall be readily accessible to the buildings served thereby. Such spaces shall be in the same zoning district, as the principal building, or open area, and conform to the following regulations:
    - (1) The required parking spaces shall be located within six hundred (600) feet of the principal building or open space in question.
    - (2) The applicant for a use or building permit shall submit, with his application, an instrument duly executed and acknowledged, which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the office of the Recorder of Deeds.
9. Lighting
  - a. All public parking areas shall be adequately lighted during after dark operating hours.
  - b. Any lighting used to illuminate off-street parking or loading areas shall be shielded from any street or residential use.
10. Landscaping. Parking area in excess of one-half (1/2) acre shall provide a minimum of ten (10) percent landscaping within the interior of the parking area.

## SECTION 5.4 DESIGN STANDARDS:

1. The minimum dimensions of parking facilities to be provided shall be as follows:
  - a. In all districts parking spaces per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long.
  - b. Parking lot dimensions shall be not less than those listed in the following table:

<u>Angle of Parking</u>	<u>Parking</u>		<u>Aisle-Width</u>	
	<u>Stall Width</u>	<u>Stall Depth*</u>	<u>One-Way</u>	<u>Two-Way</u>
90 degrees	9 feet	18 feet	24 feet	24 feet
60 degrees	10 feet	22 feet	18 feet	20 feet
45 degrees	10 feet	21 feet	15 feet	20 feet
30 degrees	10 feet	19 feet	12 feet	20 feet
Parallel	8 feet	22 feet	12 feet	20 feet

\*Depth of stall is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

- c. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
  - d. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
  - e. Where more than ten (10) parking spaces are required, a maximum of forty percent (40%) of the parking spaces may be provided for compact vehicles. Each such compact parking space shall be not less than eight (8) feet wide by seventeen (17) feet long. All compact parking spaces shall be located in the same area and be marked to indicate spaces designated for compact parking.
2. Setback for parking areas shall be provided as follows:
  - a. All parking spaces and access drives shall be located at least ten (10) feet from any multiple dwelling building, office, commercial, institutional, industrial, and other similar non-residential buildings located on the lot. The ten (10) foot corridor thus established between the parking area and building shall be for the

purpose of providing a pedestrian access walkway. Warehouses and self-service storage facilities are exempt from the ten (10) foot corridor setback requirement.

- b. All parking spaces and access drives shall be at least ten (10) feet from any side or rear lot line, except where buffer yards or screen planting are required in which case the standards set forth herein, shall apply.
- c. No off-street parking area shall be located within a public right-of-way.

3. Separation

- a. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
- b. All paved off-street parking spaces shall be marked so as to indicate their location.
- c. Unless deemed unnecessary by the Township, pedestrian crosswalks and landscaped refuge islands to separate the parking spaces from the exit, entrance, and circulatory drives shall be provided for and approved by the Township Engineer. Such landscaped areas may be considered as part of the vegetative coverage requirements set forth in the applicable zoning district provisions or as provided elsewhere in this Ordinance.

4. Curb Radius. No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

SECTION 5.5 OFF-STREET LOADING AND UNLOADING:

1. Required Berths and Spaces

- a. In addition to the off-street parking requirements set forth herein, any building erected, converted, or enlarged for commercial, office, manufacturing, institutional, hospital, or other similar uses requiring the delivery or pick up of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows:

Use	Gross Floor Area In Square Feet	Number Of Spaces
Commercial, Wholesale manufacturing, hospitals, laundry, institutional, and similar uses	Under 8,000	1
	8,000 to 40,000	2
	over 40,000 to 100,000	3
	over 100,000 to 250,000	4
	each additional 200,000	1
Office buildings and hotels	Under 100,000	1
	over 100,000 to 300,000	2
	Over 300,000	3

- b. All off-street loading and unloading areas shall be provided and maintained so long as the use exists which the facilities were designed to serve.
2. Design Standards. Off-street loading facilities shall be designed to conform to the following specifications.
  - a. Each required berth shall be not less than twelve (12) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
  - b. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
  - c. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance applicable codes and ordinances of the Township.



## ARTICLE 6

SIGNS

## SECTION 6.1 PURPOSE:

The purpose of this Article is to set forth standards to regulate the use, erection, alteration, repair, and maintenance of signs and similar devices, together with their accessories and auxiliary devices. Signs may be erected and maintained only when in compliance with the provisions of this Article and any other regulations of the Township, State, or Federal Governments.

## SECTION 6.2 PROHIBITED SIGNS:

The following signs shall not be permitted, erected, or constructed in any zoning district.

1. Signs advertising activities that are illegal under Federal, State or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.
2. Signs which by reason of size, location, movement, content, coloring or manner of illumination, obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.
3. Signs which make use of words such as "stop", "look", "one-way", "danger", "yield", "go slow", "caution", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic, or which imitate an official traffic sign or signal.
4. Signs which advertise an activity, business, product or service no longer produced or conducted. In such case, such sign shall be removed after the same is no longer produced or conducted.
5. Signs which are placed or located within the public right-of-way.
6. Signs which obstruct free ingress to, or egress from a fire escape, door, window, or other exit way.
7. Signs which are structurally unsafe or in a state of disrepair.

## SECTION 6.3 INCIDENTAL SIGNS:

The following signs shall be permitted in all zoning districts:

1. Signs advertising the sale or rental of residential premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
  - a. The size of any such sign for an individual lot is not in excess of six (6) square feet;
  - b. The size of any such sign advertising an entire residential development involving a group of lots/dwelling units is not in excess of thirty-two (32) square feet; and
  - c. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage.
2. Signs advertising the sale, lease, or development of non residential premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, may be erected and maintained provided:
  - a. The size of any sign is not in excess of thirty-two (32) square feet, and
  - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage.
3. Signs bearing the word "sold" or the word "rented", with the name of the person effecting the sale or rental, provided the conditions in subsection (1 or 2) hereof, are complied with.
4. Signs of mechanics, painters and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
  - a. The size thereof is not in excess of sixteen (16) square feet, and
  - b. Such signs are removed promptly upon completion of the work.
5. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed two (2) square feet.
6. Signs of schools, colleges, churches, hospitals, sanitariums or other public or semi-public institutions of a similar nature provided:

- a. The size of any such sign is not in excess of twenty (20) square feet, and
  - b. Not more than two (2) signs are placed on a property in single or separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage.
- 7. Signs advertising home occupations shall be not larger than four (4) square feet bearing not more than the occupation conducted within the dwelling and the name of the practitioner. Only one sign shall be permitted per home occupation.
- 8. Signs indicating the location and direction of real estate for sale or rental, but not erected upon such premises, may be erected and maintained provided:
  - a. The size of any such sign is not in excess of two (2) square feet, and
  - b. Not more than one (1) such sign per real estate agency is erected on each five hundred (500) feet of street frontage.
- 9. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
  - a. The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length, and
  - b. Not more than one such sign is erected on each five hundred (500) feet of street frontage.
- 10. Signs advertising the sale or brand of farm products, excepting Farm Markets as defined in Section 3.1.A.3, when permitted by this Ordinance provided:
  - a. The size of any such sign is not in excess of six (6) square feet.
  - b. Not more than two (2) signs are used.
- 11. Notwithstanding any other limitation or regulation of this Ordinance, one (1) sign not larger than two ( 2) square feet , showing only the location, identity, name or office hours of business or professional offices, where such offices are permitted by the terms of this Ordinance, may be erected within any yard of the premises occupied by such offices.
- 12. Signs necessary for the identification, operation, and protection of public utility facilities providing the size thereof is not in excess of two (2) square feet.
- 13. Signs to identify construction and development programs of State, Federal and other public agencies shall be exempted from the regulations controlling the size of signs.

14. Temporary political signs advertising political parties or candidates for election may be erected, provided:

- a. The area of any one (1) side of such sign shall not exceed thirty-two (32) square feet.
- b. All such signs shall be removed no later than seven (7) days after the date of the election.

15. Off-premises advertising signs when affixed to the fence defining the interior space of baseball, softball, football, or soccer fields, or similar recreational field subject to the following standards and those applicable standards in Section 6.6 and elsewhere in this Ordinance.

- a. No sign shall exceed a size of thirty-two (32) square feet or a dimension of four (4) feet by eight (8) feet.
- b. No sign shall be directly illuminated.
- c. Only the side of the sign that is displayed to the interior of the playing field shall bear advertising.

#### SECTION 6.4 BUSINESS IDENTIFICATION SIGNS:

The following types of signs, bearing the name of the occupant and products manufactured or services provided, sold or displayed may be erected and maintained on the premises in any district where such activities are permitted as an accessory structure or use, subject to the following regulations:

1. One free-standing sign per public roadway frontage not to exceed one hundred (100) square feet in surface area, and no dimension of the sign surface shall exceed eighteen (18) feet.
2. In addition, one of the following types of sign may also be erected per public roadway frontage:
  - a. One wall sign to a business unit, provided it is attached to the wall of the building and projects horizontally not more than twelve (12) inches therefrom, provides not less than eight (8) feet of clearance beneath it, and occupies a sign surface area not more than twenty percent (20%) of the total area of the front portion of the building face assigned to the business unit. It shall not project above the building roof line or parapet wall, or;
  - b. One projecting sign to a business unit, provided it is attached to the wall of the building, provides not less than eight (8) feet of clearance beneath it, contains a sign surface area not to exceed fifteen (15) square feet with no dimension

exceeding six (6) feet, and shall not project above the building roof line or parapet wall.

3. Related business signs (e.g. office or professional service, real estate, apartments, etc.) identifying the business and service, or the apartment name shall not exceed an area of twenty-five (25) square feet.
4. Signs identifying businesses in non-conforming structures and the non-conforming use of land shall not exceed twenty (20) square feet in area.
5. Multiple Tenant Signage – Where a property is occupied by multiple tenants such as a shopping center, office park, or industrial complex, one free standing sign per access road frontage shall be permitted for the purpose of announcing the name of the multiple tenant facility and the occupants therein. Such sign shall be a maximum of 300 square feet in size.

#### SECTION 6.5 OFF-PREMISES ADVERTISING SIGNS:

Off-premises advertising signs shall be permitted to be erected only in the Commercial, Commercial/Industrial and Industrial Districts subject to the following regulations:

1. A lease or other acceptable form of agreement to erect the sign is received from the property owner.
2. Such signs erected in the CI – Commercial/Industrial Zone and the I – Industrial Zone shall not exceed four hundred eighty (480) square feet in area. Such signs erected in the C – Commercial Zone shall not exceed two hundred forty (240) square feet in area.
3. All such signs are in conformance with Act No. 160, the Outdoor Advertising Control Act of 1971, as amended, except as further controlled by this Article.
4. No such sign shall be permitted on or within two hundred (200) feet of the nearest property or lot line of the premises containing a unified, integrated shopping center, office park complex, or industrial park complex.
5. In the C - Commercial District, off-premises advertising signs shall be no closer than one thousand five hundred (1500) feet from any other off-premise advertising sign. No sign shall exceed twenty (20) feet in vertical measurement.
6. In the C/I – Commercial / Industrial District and the I - Industrial District, off-premise advertising signs shall be no closer than seven hundred fifty (750) feet from any other off-premise advertising sign. No sign shall exceed a vertical measurement of twenty (20) feet.

7. No such sign shall be permitted upon the roof of any building. All signs shall be required to setback thirty (30) feet from the front lot line or to the established building line, whichever is less and shall be setback a minimum of ten (10) feet from all other property lines unless otherwise regulated herein.
8. No sign shall be permitted to be erected within one hundred (100) feet of an adjoining Residential District; nor, within fifty (50) feet of any adjoining residentially used property; nor, within fifty (50) feet of any residentially used buildings on the property on which the sign is erected.
9. All lighting shall be indirectly illuminated and conform to the height regulations for buildings in the district in which they are located.
10. The distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the traveled way.

#### SECTION 6.6 GENERAL REQUIREMENTS FOR SIGNS:

1. The following regulations shall apply to all signs, unless otherwise specifically provided for:
  - a. In addition to the other requirements of this Article and, in compliance with other applicable codes and ordinances, every sign must be constructed of durable materials, kept in good repair, and maintained so as not to become a threat to the public's welfare.
  - b. Signs shall not project beyond property lines, over public walkways, nor within any street right-of-way.
  - c. Signs shall not project above the height limit permitted in any district in which they are located.
  - d. All signs shall be removed after the circumstances leading to their erection no longer apply.
  - e. All signs erected within or adjacent to the right-of-way of a State highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.
  - f. All sign lighting shall be arranged, designed and shielded or directed to protect the adjoining properties and streets from glare. Reflectors and lights permitted in conjunction with signs shall be equipped with restraining hoods or shields to concentrate the illumination upon the area of the sign.
  - g. If the Zoning Officer finds that any sign is unsafe, insecure or a menace to the public or had been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after receipt of such notice, the

Township may proceed to remove or alter such sign so as to comply and charge the expense thereof to the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure which is causing immediate peril to persons or property to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five (5) days after the date of such removal.

- h. Any sign lawfully existing as of the effective date of this Ordinance that does not conform with the regulations of the district in which such sign is located shall be considered non-conforming and may continue subject to the following provision:

- (1) Signs which are non-conforming may continue in their present locations and are subject to the applicable provisions of Article 9, herein.
  - (2) The signs are in a good state of repair.

- i. Computation of Sign Area:

- (1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
  - (2) Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
  - (3) In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both faces area identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

- 2. Permit Application and Fees: Except for signs exempted under this Article, no person shall erect, cause to be erected, change or alter any sign on any property within the Township until a permit for the same has been issued by the Township Zoning Officer. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this Ordinance are adhered to and shall comply with the following provisions:

- a. Application for a permit shall be made on an authorized Township form and shall be accompanied by the following:
    - (1) A detailed scale drawing showing the sign and its intended location;
    - (2) A description of its type, construction, manner, and method of installation, and materials to be used;

- (3) Written authorization of the owner or lessee of the property, if other than the applicant; and,
    - (4) A permit fee, as established by Resolution of the governing body.
  - b. After the sign has been erected, moved or altered, as authorized by the permit, the applicant shall notify the Zoning Officer.
  - c. For the purpose of this Article, the terms "alter" or "change" shall not be interpreted to include routine maintenance or change of copy.
- 3. Exemptions from Permits and/or Fees: A permit and fee shall not be required for the following signs:
  - a. Window Signs
  - b. Temporary Signs

Exemption from obtaining a permit and paying a fee does not release the person responsible for posting the sign from compliance with other standards or provisions of this or other applicable ordinances, codes, or laws.

#### SECTION 6.7 TALL SIGN OVERLAY ZONE:

- 1. Tall Signs shall only be permitted, erected, constructed or maintained within the Tall Sign Overlay Zone, which shall only be located in the Commercial, Commercial/Industrial and Industrial Districts.
- 2. Delineation of the Tall Sign Overlay Zone. The area within six hundred sixty (660) feet of the nearest edge of the right-of-way of the highway known as "Interstate 81".
- 3. Overlay Concept.
  - a. The Tall Sign Overlay Zone described above shall be an overlay to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Tall Sign Overlay Zone shall serve as a supplement to the underlying district provisions.
  - b. Where there happens to be any conflict between provisions or requirements of any of the Tall Sign provisions and those of any underlying district, the more restrictive provisions shall apply.
- 4. Zoning Map. The boundaries of the Tall Sign Overlay Zone are established as incorporated into the Guilford Township Zoning Map. Refer to Article I, Section 105, INTERPRETATION, as contained in this Ordinance.
- 5. Interpretation of Overlay Boundaries. Initial interpretation of the boundaries of the Tall Sign Overlay Zone shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Zones, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the



district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

6. The following regulations apply to all Tall Signs:
  - a. All such signs shall be in complete conformance with the Federal Law known as the Outdoor Advertising Control Act of 1971, as amended, except as further controlled by this Article, and Chapter 445 of the Pennsylvania Department of Transportation Regulations.
  - b. One Tall Sign per premises.
  - c. The surface area of the sign, as defined herein, shall not exceed six hundred (600) square feet.
  - d. No dimension of the sign surface shall exceed thirty (30) feet.
  - e. Tall Signs and their standards shall not exceed ninety (90) feet to the highest point as defined in Sign, Height Of herein.
  - f. The Tall Sign shall be removed within one hundred eighty (180) days after the use of the premises, for which it was established, has been discontinued.
  - g. No Tall Sign shall be permitted upon the roof of any building. All signs shall be required to be setback fifty (50) feet from all property lines except as provided in (h.) below.
  - h. No sign shall be permitted to be erected within one hundred (100) feet of an adjoining residential district or residential use.
  - i. All signs shall be indirectly illuminated and shall not include flashing, intermittent, or rotating lights.



## ARTICLE 7

### SUPPLEMENTARY REGULATIONS

#### SECTION 7.1 PURPOSE

The following Supplementary Regulations shall apply throughout the Municipality unless otherwise specified in other sections of this Zoning Ordinance.

#### SECTION 7.2 ACCESSORY BUILDING / STRUCTURE REGULATIONS

- A. In the R - Residential District and the AR – Agricultural / Residential District an accessory building or accessory structure may be located in any required side or rear yard provided:
  - 1. Such accessory building or accessory structure shall not exceed one story or be more than twenty (20) feet in height.
  - 2. Such accessory building or accessory structure shall be set back five (5) feet from any lot line.
  - 3. All such accessory buildings or accessory structures in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard where it is located.
- B. Accessory buildings or accessory structures constructed at the same time may be located in pairs or groups on contiguous lots in the required rear or side yard along the common side lot line or rear lot line.
- C. In the I – Industrial District, the C – Commercial District, and the CI – Commercial / Industrial District accessory buildings or accessory structures shall be located no closer than ten (10) feet to any side or rear property line.
- D. When an accessory building or accessory structure is attached to the principal building it shall comply with all respects with the requirements of this Ordinance applicable to the principal building.
- E. An accessory building or accessory structure on that portion of a lot not included in any required yard shall conform to the height regulations for principal buildings.
- F. No accessory building or accessory structure shall project nearer to the street on which the principal building fronts than the minimum building setback distance for the principal building.

- G. Wind Energy Conversion Systems (WECS) as a renewable energy source are permitted as an accessory use in the Agricultural/Residential District and the Industrial District provided that no part of the structure shall be closer to any property line than its total height.

### SECTION 7.3 AGRICULTURAL AND RELATED USE REGULATIONS

- A. Agriculture Farms and Gardening: The tilling of the soil, raising crops, the keeping of livestock, poultry, and the processing of dairy products, horticulture and gardening shall be permitted in any district; providing that only gardening, incidental to residential uses, shall be permitted on improved lots located in a subdivision plan approved by the Municipality.
- B. Animals and Horticulture: In districts where permitted, operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, dog kennels, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:
1. New buildings in which animals or poultry are proposed to be housed shall not hereafter be erected within three hundred (300) feet of any lot line. Existing buildings currently used or intended to be used to house animals or poultry may be located within 300 feet of a lot line provided that the building is not closer to the lot line than the building setback requirements of the applicable zoning district.
  2. The stock piling or storage of manure or odor or dust producing substance shall not be permitted within three hundred (300) feet from any lot line.
  3. The tilling of the soil, spreading of fertilizer, and the grazing of animals (other than pigs and poultry) shall be permitted up to the lot line when incidental to a permitted use.
  4. The heating plant of a commercial greenhouse shall not be located within one hundred (100) feet of any lot line.
  5. Buildings used for dog kennels and animal hospitals, including exercise yards, shall not hereafter be erected within one hundred (100) feet of any off-premise dwelling.
- C. All livestock and poultry operations shall be subject to the "Guilford Township Livestock and Poultry Manure Management Ordinance", Ordinance 94-2, as amended.

### SECTION 7.4 HEIGHT REGULATIONS

- A. Where a lot has frontage on two or more streets or other public right-of-way, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above seal level.
- B. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this Ordinance provided their location is not in the required

yard.

## SECTION 7.5 HOME OCCUPATIONS AND NO-IMPACT HOME BASED BUSINESSES

- A. Only one home occupation may be established per premises.
- B. The home occupation shall be carried on completely within only a single-family detached dwelling or accessory building thereto.
- C. No more than two (2) persons other than the occupants of the dwelling unit shall be employed.
- D. The home occupation whether located in the principal dwelling and/or an accessory building there to, shall not occupy a total space of more than thirty percent (30%) of the floor area of the principal dwelling.
- E. There shall be no exterior display of sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
- F. A home occupation may include: craft shops; art studios; dressmaking or millinery; barbershop; beauty parlor; teaching; music or dance instruction limited to three pupils at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; home telephone sales; or any other activities of a similar nature.
- G. Off-street parking shall comply with the applicable provisions of Article 5.
- H. A No-Impact Home Based Business as defined herein shall be permitted when in compliance with the following requirements set forth in The Act:
  - 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.

## SECTION 7.6 PRIVATE OUTDOOR SWIMMING POOLS

A. A land use permit and a building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

1. Such pool may be erected in the required rear yard, but not in the required side yard or front yard.
2. The water's edge of such pool shall not be located nearer than twenty (20) feet to any lot line for an in-ground pool or nearer than fifteen (15) feet for an above-ground pool.
3. Any such pool with a surface area of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall that is not less than four (4) feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four (4) feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected. A swimming pool with a power safety cover or a spa with a safety cover complying with Section 3109.4 of the 2000 International Building Code, as amended, and ASTM F 1346 shall be excepted from the fencing requirements herein.
4. Portable wading pools less than the area and depth requirements of item 3 above shall be exempt.

## SECTION 7.7 YARD AND LOT REGULATIONS

A. On Corner Lots:

1. Front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards. This requirement shall not apply to double tiered lots provided the clear sight triangle is maintained.
2. No obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained within a seventy-five (75) foot clear sight triangle formed by

the centerline of intersecting streets.

B. Front Yard Exception:

No proposed dwelling need have a setback greater than the average of the two (2) existing dwellings with the greatest setbacks located within one hundred (100) feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. However, in no event shall the front yard be less than ten (10) feet.

C. Projections Into Required Yards:

1. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two (2) inches per one (1) foot of the side yard width but may not exceed a total of three (3) feet.
2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet.
3. For single-family dwellings and carports, patios and open porches may be located in the side and rear yards , but no closer than five (5) to any adjacent property line. If located closer than ten (10) feet to any adjacent property line, they shall be screened in accordance with the provision of this Ordinance. In the case of a corner lot, no carports, patios, or open porches shall extend into the required yard adjoining each street.

D. Existing Small Lots:

A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this Ordinance and subsequent amendments which has a total lot area or lot width less than prescribed in this Ordinance, may be used for a permitted use provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and side yards and may be used for a conditional use or special exception provided the required zoning approvals are secured within one year from the effective date of this Ordinance. Existing small lots meeting the above stipulations shall comply with the following:

1. Side yards shall be a minimum of eight (8) feet.
2. Rear yard shall be a minimum of ten (10) feet.
3. Front yard shall be in accordance with Section 7.7.B.

E. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots, which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

F. Waiver of Yards:

No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

SECTION 7.8 UNENCLOSED STORAGE

- A. The storage of disabled motor vehicles on private property shall be in accordance with Guilford Township Ordinance No. 96-8, as amended.
- B. No more than one (1) mobile home, trailer, semi-trailer, or boat may be stored but not occupied in any Residential District and shall not be located within the required front or side yard area.
- C. In all zones, no outdoor stockpiling of any material is permitted in the front yard. In the (R) Zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.
- D. Trash, Garbage, Refuse, or Junk - The outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
- E. Dumpsters - All trash dumpsters shall be located within a side or rear yard, and screened from adjoining roads and properties.
- F. Domestic Composts - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

SECTION 7.9 HOMES ASSOCIATION

- A. Whenever a developer or owner proposes to provide land or structures for the benefit of only particular homeowners of a project such as usable open space and active play areas, a Homes Association shall be established in accordance with the following provisions:
  - 1. The Homes Association shall be established as an incorporated, organization operating under recorded land agreements through which each lot owner (and any succeeding owner) is automatically a member, and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities. Additionally, specific provisions shall be established which define completely all membership requirements of all non-lot owners in the event rental units are included



in the project.

2. The Homes Association's Declaration of Covenants, Conditions, and Restrictions shall as a minimum establish the following:
  - a. Property Rights including the owner's easements of enjoyment and delegation of use.
  - b. Membership and Voting Rights including any distinction between membership classes.
  - c. Covenant for Maintenance Assessments including the creation of the lien and personal obligation of assessments, purpose of assessments, the maximum annual assessments, special assessments for capital improvements, uniform rate of assessment, due dates, effect of non-payment of assessments, and subordination of the lien to mortgages.
  - d. Architectural and Exterior Maintenance Control.
  - e. General Provisions including enforcement, amendments, and property annexation procedures.

## SECTION 7.10 PERFORMANCE STANDARDS

All uses within the Township must operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts.

- A. Noise Pollution and Vibration: Rules and Regulations of the Pennsylvania Department of Environmental Protection;
- B. Air Pollution, Airborne Emissions and Odor: Rules and Regulations of the Pennsylvania Department of Environmental Protection;
- C. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;
- D. Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the "Non-coal Surface Mining Conservation and Reclamation Act";
- E. Glare and Heat: ARules and Regulations of the Pennsylvania Department of Environmental Protection;
- F. Handicap Access: The latest version of the American Disabilities Act; and,
- G. RESERVED
- H. Act of May 31, 1945 (P.L.1198, No.418), know as the "Surface Mining Conservation and

Reclamation Act”.

- I. Act of December 19, 1984 (P.L.1140, No.223), known as the “Oil and Gas Act”.
- J. Act of June 30, 1981 (P.L.128, No.43), known as the “Agricultural Area Security Law”.
- K. Act of June 10, 1982 (P.L.454, No.133), entitled “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances”.
- L. Act of May 20, 1993 (P.L.12, No.6), known as the “Nutrient Management Act”.
- M. Act of 1968, P.L. 805, No. 247, known as the “Pennsylvania Municipalities Planning Code”
- N. Act 45 of 1999 (35 PS 7210.101 – 7210.1103) known as the “Pennsylvania Construction Code Act.

#### SECTION 7.11 PROHIBITED USES

- A. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
- B. Dumps and dumping of any kind, other than an approved sanitary landfill.
- C. Race tracks for stock cars and other motorized vehicle racing.
- D. Head Shop

#### SECTION 7.12 USES NOT PROVIDED FOR

In any district established by this Ordinance, when a specific use is neither permitted nor denied, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district. If the use not specifically provided for is determined by the Board to be compatible, a permit may be authorized. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this positive determination has been made and recorded in the official records of the Board.

#### SECTION 7.13 TEMPORARY USES

Upon application to the Township, a temporary use may be granted for the following subject to terms and conditions established by the Township in keeping with the spirit, intent, and objectives of this Ordinance:

- A. Temporary amusement parks, expositions, and carnivals.

- B. Temporary housing and shelter caused by damage to source of principal occupancy.
- C. Temporary signage for temporary uses.
- D. Temporary housing for seasonal agricultural laborers in compliance with 29 CFR (Code of Federal Regulations) Part 500, the U.S. Citizenship and Immigration Services (USCIS), and Pennsylvania Code; Chapter 82, as amended. is permitted at the following locations:
  - 1. The C – Commercial Zoning District.
  - 2. On property that is used for agricultural purposes, provided the proposed temporary housing structure is at least one hundred (100) feet from any residentially occupied structure on an adjoining property.
  - 3. On a property that adjoins property being used for agricultural purposes, provided the proposed temporary housing structure is at least one hundred (100) feet from any residentially occupied structure on property not used for agricultural purposes.

#### SECTION 7.14 REAL ESTATE SALES OFFICE

A real estate sales office shall be permitted as an accessory use to any residential development in excess of fifteen lots or dwelling units subject to the applicable signage and off-street parking requirements provided herein.



## ARTICLE 8

### SPECIFIC CRITERIA

#### SECTION 8.0 SPECIFIC STANDARDS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

In addition to the general criteria, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any application for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

For the purposes of this Article, any required setbacks imposed upon special exceptions or conditional uses shall be measured from the boundary line of the site for which the special exception or conditional use is requested, regardless of whether or not this line corresponds to a property line or a lease line.

#### SECTION 8.1 ACCESSORY APARTMENTS

Within the (AR) and (R) Zone, accessory apartments are permitted by special exception, subject to the following criteria:

1. Only one (1) accessory apartment shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling;
2. An accessory apartment shall be contained within the principal building or within a portion of an accessory building;
3. Regardless of the location of the accessory apartment, no accessory apartment shall comprise more than forty percent (40%) of the habitable floor space contained within the principal dwelling;
4. The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used;
5. All units contained on floors above or below grade shall have a direct means of escape to ground level;
6. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character; and,

7. One (1) off-street parking space shall be provided in addition to those required by other uses on the property.

## SECTION 8.2 ADULT-RELATED USES

Within the (I) Zone, adult-rated uses are permitted by conditional use, subject to the following criteria:

1. An adult-related use shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility;
2. No adult-related use shall be located within six hundred (600) feet of any residentially-zoned land;
3. No adult-related use shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
  - a. Amusement park
  - b. Camp (for minors activity)
  - c. Child care facility
  - d. Church or other similar religious facility
  - e. Community center
  - f. Museum
  - g. Park
  - h. Playground
  - i. School
  - j. Other lands where minors congregate
4. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closes point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closes point on the exterior property line of the adult entertainment establishment to the closest point on the property line of said land use;
5. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
6. Any building or structure used and occupied as an adult-related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;

7. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
8. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
9. No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use;
10. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
11. No unlawful sexual activity or conduct shall be permitted; and
12. No more than one adult-related facility may be located within one building or shopping center.

### SECTION 8.3 BED AND BREAKFASTS

Within the (AR) and (R) Zones, bed and breakfasts are permitted by special exception, subject to the following criteria:

1. Bed and breakfasts shall only be permitted within single-family detached dwellings;
2. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
3. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
4. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
5. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines, and shall be screened from adjoining lots and streets;
6. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines;
7. Meals shall be offered only to registered overnight guests;
8. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,

9. The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry.

#### SECTION 8.4 CAMPGROUNDS/RECREATIONAL VEHICLE PARKS

Within the (AR) Zone, campgrounds are permitted by conditional use on a minimum of ten (10) acres, subject to the following criteria:

1. Setbacks - All sites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line;
2. Each site shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
3. An internal road system shall be provided which shall be improved with a dustless surface.
4. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
5. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties;
6. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campgrounds registered guests and their visitors. Any parking spaced provided for these commercial uses shall only have vehicular access from the campgrounds internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels;
7. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to arterial or collector streets;
8. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone, and at least twenty-five (25) feet from adjoining lot lines;



9. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
10. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground;
11. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP; and,
12. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

## SECTION 8.5 GOLF COURSES

Within the (AR) and (R) Zones golf courses are permitted by special exception, subject to the following:

1. All principal structures attendant to operation of the golf course such as clubhouse, pro-shop maintenance and storage buildings shall be set back one hundred (100) feet from any property line.
2. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
3. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways with the following:
  - a. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
  - b. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

4. Golf courses may include the following accessory uses, provided such uses are reasonably size, and located primarily so as to provide direct service to the golf course employees and users and only secondarily to the public at large:
  - a. Restaurant, snack bar, lounge, and banquet facilities;
  - b. Locker and rest rooms;
  - c. Pro shop;
  - d. Administrative offices;
  - e. Golf cart and maintenance equipment storage and service facilities;
  - f. Guest lodging for those using the golf course;
  - g. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
  - h. Game rooms, including card tables, billiards, ping-pong, video games;
  - i. Baby-sitting rooms and connected fence-enclosed playlots
  - j. Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets;
  - k. Practice putting greens;
  - l. Swimming pools;
  - m. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
  - n. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
  - o. Picnic pavilions, picnic tables, park benches, and barbecue pits;
  - p. Hiking, biking, horseback riding, and cross-country ski trails; and,
  - q. Playground equipment and play lot games, including 4-square, dodge ball, tetherball, and hopscotch.

## SECTION 8.6 CONVERSION OF EXISTING SINGLE-FAMILY DETACHED DWELLING

Within the (AR) Zone, the conversion of an existing single-family detached dwelling to a two-family dwelling is permitted by special exception, subject to the following criteria:

1. The lot area shall be twenty-five percent (25%) larger than the minimum required for single-family detached dwellings in the (AR) District.
2. Each dwelling shall have a minimum of two (2) points for entrance and exit.
3. There shall be a minimum of two (2) off-street parking spaces per dwelling.
4. The single-family detached dwelling to be converted shall have been in existence prior to the effective date of this Ordinance.

5. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.

## SECTION 8.7 CONVERSION APARTMENTS

Within the (R) Zone, conversion apartments shall be permitted by special exception subject to the following:

1. Applicant shall demonstrate compliance with Section 8.6, items 3, 4, and 5.
2. All dwelling units within the conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area.
3. There shall be a minimum lot area of three thousand (3,000) square feet for each dwelling unit established.

## SECTION 8.8 DAY CARE FACILITIES

Within the (R) Zone, Day Care Facilities shall be permitted by special exception, subject to the following:

1. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards.
2. A minimum of one hundred (100) square feet of usable outdoor play space and forty (40) square feet of usable indoor space must be provided for each child present at the facility, including resident children. Outdoor play areas shall not be located in the front yard.
3. Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
4. A buffer yard/screen planting of no less than ten (10) feet in depth shall be established along rear and side lot lines in accordance with this Article.
5. Operators must comply with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
6. Off-street parking shall be provided in accordance with Article 5 Off-Street Parking.

## SECTION 8.9 OUTDOOR RECREATION FACILITIES AND MEMBERSHIP CLUBS

Within the (AR) Zone outdoor recreational facilities and membership clubs are permitted as a special exception and within the (R) Zone outdoor recreational facilities (except amusement parks and paintball facilities) are permitted as a special exception all subject to the following:

1. Clubs, lodges and fraternal membership organizations shall be permitted only when conducted as non-profit enterprise; dining facilities for benefit of club members only; no sign advertising food or beverage is displayed; and buffer yards will be provided as required by this Ordinance.
2. Site development shall include protective measures to adjoining properties in regard to dust, noise, projectiles and glare, as deemed necessary by the Board to protect public safety and welfare.
3. All lighting shall be so arranged and shielded so that no unreasonable glare or illumination is cast upon adjoining residential uses in any district.
4. All facilities including buildings, playing fields, pavilions and outdoor structures shall be located no closer than one hundred (100) feet to any property line, lease line or right-of-way line. If screening, fencing or barriers are provided to prevent projectiles, balls or children from leaving the premises a 50-foot setback, as an alternative, can be used.

#### SECTION 8.10 GUN CLUBS (SHOOTING RANGES)

Within the (AR) Zone gun clubs (shooting ranges) are permitted by special exception subject to the following:

1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
2. May not substantially damage the health, safety or welfare of the Township or its residents and property owners.
3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
4. The storage of ammunition on the premises shall comply with all State and Federal Regulations and all ammunition stored on the premises shall be stored indoors in an area secured from general access.
5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
6. Shall limit firing to the hours between 7:00 a.m. and 9:00 p.m.
7. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.

8. Any parklands with common open space made part of the conditional use application shall be so located and designed so that safe and convenient access shall be provided.

## SECTION 8.11 SMALL BUSINESS SERVICES AND CRAFT INDUSTRIES

Within the (AR) Zone small business services and craft industries are permitted as a special exception, subject to the following:

1. Such small business services or craft industries shall be related to the principal agricultural character and shall primarily serve the surrounding agricultural community or reflect crafts and products reflective of the agricultural community.
2. No more than the equivalent of two (2) full-time nonresidents shall be employed by the business or industry, and at least one (1) owner/operator of the business or industry must reside on the site.
3. The use must be conducted within one (1) completely enclosed building. Where practicable the business or industry shall be conducted within an existing farm building. However, any new building constructed for business or industry use shall be no less than one hundred (100) feet from any adjoining roads or properties.
4. Any new building constructed for business or industry use shall be of a design so that it can be readily converted to agricultural use, or removed, if the business or industry is discontinued.
5. No part of a business or industry shall be located within one hundred (100) feet of any side or rear lot line.
6. The business or industry shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the business or industry and the residence shall not be calculated as land serving the business or industry.
7. No more than fifty percent (50%) of the land devoted to a business or industry shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.

## SECTION 8.12 PRIVATE SCHOOLS

Within the (R) Zone private schools are permitted by special exception, subject to the following criteria:

1. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines.

2. All buildings shall be set back at least fifty (50) feet from any adjoining land within a residential zone.
3. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned properties.
4. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
5. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
6. Impervious cover shall not exceed fifty percent (50%).

## SECTION 8.13 MEDICAL AND DENTAL CLINICS

Within the (R) Zone, medical and dental clinics are permitted as a special exception subject to the following:

1. The building shall be occupied and used only by persons licensed to practice the healing arts in Commonwealth of Pennsylvania, and their staffs.
2. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than the minimum lot area permitted in the District in which it is located.
3. The minimum front, side and rear yard setbacks shall be no less than forty (40) feet.
4. Lot width shall be determined by the size of the building and setbacks.
5. A buffer yard/screen planting of no less than five (5) feet in depth shall be maintained along all property lines abutting a residential use.
6. Parking shall be provided in accordance with the provisions of Article 5 Off-Street Parking.
7. The total building area for a medical or dental clinic shall not exceed three thousand (3,000) square feet.

## SECTION 8.14 SANITARY LANDFILLS

Within the (AR) Zone sanitary landfills are permitted as a conditional use subject to the following:

1. The sanitary landfill as defined by the PA DEP shall be operated and/or designated to be operated by the Solid Waste Plan of Franklin County as adopted by the Franklin County Board of Commissioners.
2. The applicant must demonstrate initial and continual compliance with all applicable State and Federal standards and regulations.
3. No landfill operation shall recur prior to 6:00 a.m. or after 7:00 p.m. prevailing time.
4. The actual landfill area shall be set back a minimum of three hundred (300) feet from any property or street right-of-way line and five hundred (500) feet from any occupied building or private water supply.
5. Screening shall be provided along all property and street lines which as a minimum shall include three (3) rows of trees with at least two (2) different species capable of producing the visual barricade within two (2) years of planting.
6. Applicants shall submit a traffic study by a competent professional identifying impacts and mitigation measures resulting from traffic to and from the site. Access to and from the sanitary landfill shall be limited to Commonwealth of Pennsylvania roads or private roads of the applicants.

## SECTION 8.15 SURFACE MINING AND QUARRY RELATED MANUFACTURING

Within the (AR) Zone surface mining and quarry related manufacturing is permitted by conditional use subject to the following:

1. The applicant must demonstrate initial and continual compliance with all applicable State and Federal standards and regulations.
2. Haul roads and berms associated with surface mining operations shall be set back a minimum of twenty-five (25) feet from any property line or public road right-of-way and all other surface mining operations shall be set back a minimum of one-hundred (100) feet from any property line or road right-of-way.
3. Screening shall be in compliance with Section 8.13, item 5 of this Ordinance.
4. Applicant shall submit a traffic study by a competent professional identifying impacts and mitigation measures resulting from increased traffic to and from the site.

## SECTION 8.16 TOWNHOUSE DEVELOPMENTS

Within the (R) Zone, townhouse developments may be permitted as a Conditional Use subject to the following:

1. Minimum Project Area. A townhouse project must contain a minimum area of three (3) acres.
2. Per Townhouse Dwelling Unit Minimum Standards.

Lot Area	3,000 sq. ft.
Interior Lot Width	20 feet
Front Yard	30 feet
Side Yard for End Units	20 feet
Rear Yard	30 feet
Off-Street Parking	2 spaces
Height (Maximum)	35 feet
Minimum Distance Between Groups or Units	60 ft.

3. No less than three (3) and no more than eight (8) townhouse dwellings shall be permitted in a unit or group.
4. Public water and public sewer service shall be provided by the Developer.
5. In addition to the off-street parking requirement for each dwelling, one additional off-street parking space shall be provided for each townhouse dwelling unit within the project area. A total of three (3) off-street spaces must be provided, with at least two of them being within the lot boundary.
6. Any townhouse development in excess of twenty (20) dwelling units shall provide a minimum of two (2) points of ingress and egress from an approved street or streets.
7. Where a townhouse development adjoins an existing lot in a single-family detached residential use, no townhouse dwelling shall be closer than one hundred feet to the common property line and screening shall be provided as defined herein.
8. Impervious coverage shall not exceed fifty percent (50%).
9. No development may take place within one-hundred (100) feet of:



- a. An existing sinkhole
  - b. An exceptional value wetland
  - c. An intermittent or perennial stream's bank.
10. The applicable zoning regulations set forth herein apply regardless of the form of ownership, i.e., fee simple or condominium.

#### SECTION 8.17 GARDEN APARTMENTS

Within the (R) Zone, garden apartment developments may be permitted as a Conditional Use subject to the following:

1. Minimum Project Area. A garden apartment complex must contain a minimum area of three (3) acres.
2. The maximum number of garden apartment dwelling units permitted shall be determined on the basis of two thousand five hundred (2,500) square feet of lot area exclusive of public rights-of-way for each dwelling unit.
3. The length of any garden apartment building shall not exceed one hundred fifty (150) feet.
4. There shall be a minimum distance of sixty (60) feet between principal buildings and a minimum setback of fifty (50) feet from all boundary lines of the project, excepting however where a garden apartment development adjoins an existing lot in a single-family detached residential use, no garden apartment dwelling shall be closer than one hundred (100) feet to the common property line and screening shall be provided as defined herein.
5. There shall be a minimum of three (3) off-street parking spaces per garden apartment dwelling unit.
6. Any garden apartment project which is subject to the approval of the Pennsylvania Department of Labor and Industry must obtain such approval, prior to the Townships issuance of a building permit.
7. Public water and public sewer service shall be provided by the Developer.
8. No garden apartment building shall be in excess of two (2) stories in height.
9. Any garden apartment development in excess of twenty (20) dwelling units shall provide a minimum of two (2) points of ingress and egress from an approved street or streets.
10. Impervious coverage shall not exceed fifty percent (50%).
11. No development may take place within one-hundred (100) feet of:

- a. An existing sinkhole.
  - b. An exceptional value wetland.
  - c. An intermittent or perennial stream's bank.
12. The applicable zoning regulations set forth herein apply regardless of the form of ownership, i.e., fee simple or condominium.

## SECTION 8.18 SHOPPING CENTERS OR RETAIL/WHOLESALE BUILDING EXCEEDING 20,000 SQUARE FEET

Within the (C) Commercial Zone, the above uses are permitted as a conditional use subject to the following:

1. The subject property shall front on an arterial or collector road which shall be used for ingress and egress.
2. There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within one hundred fifty (150) feet of intersecting streets, unless such points are located directly at an intersection.
3. Management. A shopping center shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.
4. Signs. There shall be only one free standing sign per road frontage which shall be designed and used for the purpose of announcing the shopping center itself in compliance with the applicable provisions of this Ordinance.
5. Landscaping and Parking. The parking requirements set forth in Article 5 of this Ordinance may be reduced by up to twenty percent (20%) provided the applicant landscapes the area determined by the twenty percent (20%) reduction in accordance with this Ordinance.

## SECTION 8.19 MINI-WAREHOUSES (SELF SERVICE STORAGE FACILITIES)

Within the (C) Zone mini-warehouses are permitted as a conditional use subject to the following:

1. Off-street parking shall be provided at the rate of one (1) space per each twenty-five (25) units, plus one (1) per two hundred fifty (250) square feet of office space, plus two (2) per any resident manager.
2. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

3. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
4. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
5. The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
6. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property.
7. Screening shall be provided along any property line which adjoins a residentially zone district.
8. Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
  - a. Auctions, commercial wholesale or retail sales, or garage sales;
  - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
  - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - d. The establishment of a transfer and storage business; and
  - e. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

## SECTION 8.20 SINGLE-FAMILY DETACHED DWELLINGS

Within the (I) Zone single-family detached dwellings are permitted as a conditional use subject to the following:

1. Only one (1) single-family lot may be approved per application.
2. The applicant shall demonstrate that the location of the single-family lot will not hinder or obstruct the foreseeable expansion and growth of the Industrial District.
3. The lot size shall meet the Minimum Lot Design Requirements in Section 3.4, C., and not

exceed a lot area of 43,560 square feet nor a lot width of 200 feet.

## SECTION 8.21 LAND APPLICATION OF SEWAGE AND SEPTIC SLUDGE WASTE

Within the (AR) Zone only, land application of sewage and septic sludge waste is permitted by conditional use subject to the following:

1. Full compliance, as indicated by the issuance of a Pa. D.E.P. Permit, with Pa. D.E.P. Chapter 271 and Chapter 275, as amended.
2. No land approved for land application of sewage/septic sludge waste shall be located within six hundred (600) feet of any residentially-zoned land or any existing residential use, including the farm house or farm stead on the farm being permitted for land application.
3. No land approved for land application of sewage/septic sludge waste shall be located within three hundred (300) feet of the following:
  - a) Intermittent or perennial stream,
  - b) Sinkholes, existing, or topographically identified surface depressions,
  - c) Water sources,
  - d) Exceptional value wetlands as defined in Chapter 105
4. Copies of all monitoring reports, notification requirements and inspection reports by Pa. D.E.P. in addition to any correspondence relating to violations, restrictions, etc. shall be sent to the Township in a timely manner.
5. Shall provide written consent of the Owner(s) of the land upon which the sewage/septic sludge waste will be land applied, on an Affidavit form supplied by the Township. Upon receipt of notice of approval of the necessary conditional use, said Affidavit shall be recorded in the Franklin County Courthouse within forty-five (45) days.
6. Shall provide written acknowledgement from the person(s) responsible for applying the sewage/septic sludge waste to the land, on an Affidavit form supplied by the Township. Upon receipt of notice of approval of the necessary conditional use, said Affidavit shall be recorded in the Franklin County Courthouse within forty-five (45) days.
7. Shall provide written acknowledgement from the person(s) responsible for the generation of the sewage/septic sludge waste to be land applied, on an Affidavit form supplied by the Township. Upon receipt of notice of approval of the necessary conditional use, said Affidavit shall be recorded in the Franklin County Courthouse within forty-five (45) days.
8. No land approved for land application sewage/septic sludge waste shall exceed an existing natural surface slope of ten (10) percent.

9. A Site Plan detailing the proposed land application area and the area within 1,000 feet of the perimeter of the land application area including the access drive from a public roadway. Existing contours of the land application area and the perimeter area noted above at vertical intervals of two (2) feet. All existing surface topography shall be included along with any underground utility lines or pipes as identified through a current PA One Call notification.

## SECTION 8.22 EQUINE AND COMMUNITY THERAPY CENTERS

Within the (AR) and (R) Zones, Equine and Community Therapy Centers are permitted by conditional use subject to the following:

1. Minimum Lot Area – 10 acres.
2. Minimum of two (2) points of ingress and egress to public roads directly from the site.
3. Applicant shall demonstrate compliance with all applicable federal, state and local laws, rules and regulations regarding the keeping and housing of livestock and manure and odor management.
4. Public or Community Water and Sewer
  - a. If the use is proposed for the R Zone, the Applicant shall connect to Public or Community Water System and Public or Community Sewer System.
  - b. If the use is proposed for the AR Zone, the Applicant shall connect to the Public or Community Water System and the Public or Community Sewer System if such existing system(s) are within one-hundred fifty (150) feet of the property on which the Center is to be located.
5. Parking shall be provided at the rate of one (1) space for each staff position and volunteer present at the Center at any one time, as well as one (1) space for each horse stall at the Center. The Applicant shall further demonstrate that sufficient temporary parking area is available on-site to accommodate scheduled community events.
6. All lighting shall be arranged and shielded so that no unreasonable glare or illumination is cast upon adjoining residential uses.
7. All facilities including buildings, stables, playing fields, pavilions and outdoor structures shall be located no closer than one-hundred (100) feet to any property line, lease line or right-of-way line.
8. Subject to compliance with the Sign regulations as set forth in Section 6.3.6. herein.
9. The Applicant shall demonstrate appropriate certification with the North American Riding for

Handicapped Association (NARHA) as well as other certifications required by the Commonwealth for the type of therapy provided.

## ARTICLE 9

### NONCONFORMING BUILDINGS AND USES

#### SECTION 9.1

All lawful uses of land or of a lot, building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

#### SECTION 9.2 CONTINUATION:

The Zoning Officer may on a continuing basis or at the request of a property owner identify and register nonconforming uses, structures, and lots together with the reasons why the Zoning Officer identified them as nonconforming.

#### SECTION 9.3 ALTERATIONS:

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations set forth in this Ordinance and other applicable codes and ordinances adopted by the Township.

#### SECTION 9.4 EXTENSIONS OR ENLARGEMENTS.

1. The types of extensions and enlargements listed below are permitted as a special exception for nonconforming uses, buildings, and structures existing on the effective date of this Ordinance:
  - a. The extension of a nonconforming use of land upon a lot occupied by such use.
  - b. The extension or enlargement of a conforming building occupied by a nonconforming use.
  - c. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
  - a. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a building or structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard,

- than the original building line extended. The extension or enlargement of nonconformity shall not exceed fifty percent (50%) of the amount of nonconformity existing upon the effective date of this Ordinance or subsequent amendments thereof.
- b. The entire building or use shall be provided with off-street parking and loading spaces as required by Article 5: Off-Street Parking herein.
  - c. The extension or enlargement does not replace a conforming use.
  - d. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Ordinance, where such vacant parcels have been recorded separately or acquired following the effective date of this Ordinance.
3. The extension or enlargement of a nonconforming building occupied by a conforming use on the effective date of this Ordinance shall be permitted by issuance of a Zoning Permit and subject to conditions enumerated in Section 9.4.2. above.

#### SECTION 9.5 CHANGES IN NONCONFORMING USES:

A non-conforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

#### SECTION 9.6 RECONSTRUCTION/RESTORATION:

A nonconforming structure, building, or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

1. The reconstruction and/or restoration of the building or structure is commenced within one (1) year from the date of occurrence of the damage and is carried to completion without undue delay. The one (1) year time may be extended if the delay is caused by insurance regulations or investigations not caused by negligence or default by the applicant.
2. The reconstructed building, structure or occupied area does not exceed the height, area, and volume of the original building, structure and occupied area.
3. The remains of any such buildings, structures, or other improvements so destroyed shall be removed from the premises within six (6) months so that the same shall not remain as a nuisance or safety hazard.

#### SECTION 9.7 DISCONTINUANCE:

If a non-conforming use of land or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use of land or building shall conform to the



provisions of this Ordinance, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

#### SECTION 9.8 NONCONFORMING SIGNS:

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in herein.

#### SECTION 9.9 DISTRICT CHANGES:

Whenever the boundaries or uses of a district shall be changed the foregoing provisions shall also apply to any non-conforming lots, uses, or buildings existing therein or created thereby.

#### SECTION 9.10 UNSAFE STRUCTURE:

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by proper authority.

#### SECTION 9.11 AGRICULTURAL EXEMPTION:

The non-conforming controls as set forth herein shall not apply to agricultural structures when such structures are part of an active agriculture program. An active farm group situated, through action of the Township Supervisors in enacting this Ordinance, in a zone where agricultural uses become non-conforming is exempt. It is not the intent of this Ordinance to hamper continued agricultural activities. However, should the agricultural use be abandoned, thereafter agricultural buildings damaged or destroyed in any manner shall be subject to the non-conforming rules and regulations.



## ARTICLE 10

### ZONING HEARING BOARD

#### SECTION 10.1 ESTABLISHMENT AND MEMBERSHIP:

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member.

#### SECTION 10.2 ORGANIZATION OF BOARD:

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided herein. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board

shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

### SECTION 10.3 HEARINGS:

- A. The Board shall provide public notice, conduct hearings and render decisions all in accordance with the applicable provisions of "The Act".
- B. The Board of Supervisors may prescribe reasonable fees that are established by resolution, which may be revised from time to time, with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

### SECTION 10.4 BOARD'S JURISDICTION:

The Zoning Hearing Board shall have the exclusive jurisdiction in accordance with "The Act" to hear and render decisions in the following matters:

- A. Substantive Challenges to the Validity of the Zoning Ordinance.
- B. Procedural Challenges to the Validity of the Zoning Ordinance.
- C. Special Exceptions.
- D. Variances.
- E. Appeals from the determination of the Zoning Officer.
- F. Appeals from a determination by a municipal engineer or the Zoning Officer regarding any provision within the Floodplain Area Regulations;

- G. Appeals from the determination of the Zoning Officer or municipal engineer regarding any land use Ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development.
- H. Any other matter that is within the jurisdiction of the Hearing Board as provided by “The Act”.

#### SECTION 10.5 EFFECTS OF BOARD DECISIONS:

- A. If the variance or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
- B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;
- C. Should the appellant or applicant commence construction or alteration within said two (2) year period, (if the variance or special exception is granted or the issuance of a permit is approved) but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,
- D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed herein. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite timeframe for (1) issuance of a zoning permit, and (2) completion of construction of the project.

#### SECTION 10.6 APPEAL:

Any person, taxpayer, or the Township aggrieved by any decision of the Board, or the Board of Supervisors, may within thirty (30) days after such decision of the Board seek review by the Court

of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of “The Act” as amended.

## ARTICLE 11

### ADMINISTRATION

#### SECTION 11.1 ADMINISTRATION AND ENFORCEMENT

##### A. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his Assistant, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. Duties - The duties of the Zoning Officer shall be to administer and enforce the Zoning Ordinance in accordance with "The Act" and the Job Description adopted by the Board of Supervisors as amended from time to time and;
  - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance.
  - B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;
  - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
  - D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record.
  - E. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;

- F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;
- G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community Affairs;
- H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration);
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act; and,
- J. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law;

## SECTION 11.2 PERMITS

### A. General Requirements for Zoning Permits:

1. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance;
2. Application for zoning permits shall be made to the Zoning Officer on official forms established by the township;
3. Such zoning permits shall be granted or refused within thirty (30) days from date of application;
4. No zoning permit shall be issued except in conformity with:
  - a. All applicable regulations of this Ordinance;
  - b. Any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors; and,



- c. Any recorded subdivision or land development plan;
- 5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied;
- 6. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application;
- 7. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
- 8. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board;
- 9. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan;
- 10. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conducting of other site improvements.

B. Certificate of Use and Compliance:

- 1. It shall be unlawful to use and/or occupy any structure, building, sign, and or land or portion thereof for which a zoning permit is required herein until a Certificate of Use and Compliance for such structure, building, sign, and or land or portion thereof has been issued by the Zoning Officer.
- 2. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use

and Compliance for the intended use listed in the zoning permit application.

3. The Certificate of Use and Compliance or a true copy thereof shall be kept available for official inspection at all times.
4. Upon request of a holder of a zoning permit, the Zoning Officer may issue a Temporary Certificate of Use and Compliance for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a Temporary Certificate of Use and Compliance for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

### SECTION 11.3 FEES

- A. Determination - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

### SECTION 11.4 AMENDMENTS

- A. Power of Amendment - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Committee, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party. All Hearings, Notices, Referrals and Procedures shall be in accordance with "The Act".

### SECTION 11.5 CONDITIONAL USES

- A. Filing of Conditional Use – For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors by demonstrating compliance with the applicable provisions of the Ordinance.
- B. Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to

comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

C. Site Plan Approval:

Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

D. Hearing Procedures:

The Board may establish procedures for hearings in addition to those set forth in "The Act". Reasonable fees will be assessed per fee schedule which will be revised from time to time by resolution of the Supervisors.

E. Time Limitation:

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in these sections. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

#### SECTION 11.6 REPEALS AND INCONSISTENCIES

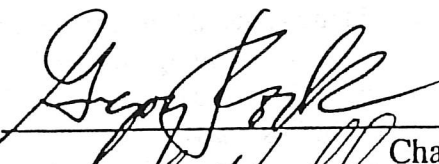
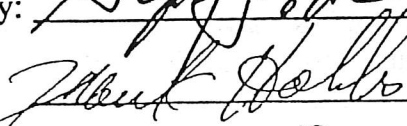
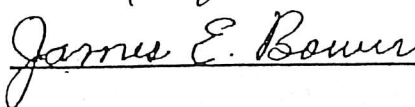
Any resolution or ordinance, or part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

#### SECTION 11.7 EFFECTIVE DATE

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Guilford Township, County of Franklin, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 18 day of September 1997.

#### BOARD OF SUPERVISORS OF GUILFORD TOWNSHIP

By:  Chairman  
  


ATTEST:

  
Secretary

(SEAL)

**CERTIFICATE OF ADOPTION**

I hereby certify that the following Amendments:

Article 2-4: Add "Assisted Living Facility" Definition,

Article 3-8: Add Permitted Uses 3.5.A.8. Through 3.5.A.17.,

Official Map: Change C-I and AR Zones along Wayne Road  
from I-81 to Country Road to C-Commercial  
Zone;

to the Guilford Township Zoning Ordinance (97-8) were  
adopted by the Board of Supervisors of Guilford Township,  
Franklin County, Pennsylvania at their regular meeting on June  
18, 1998. The Amendments have been incorporated into this  
copy.

**BOARD OF SUPERVISORS OF  
GUILFORD TOWNSHIP**

By: \_\_\_\_\_

Chairman

Attest:

Secretary  
(Seal)

Karon A. Kellum



## ***CERTIFICATE OF ADOPTION***

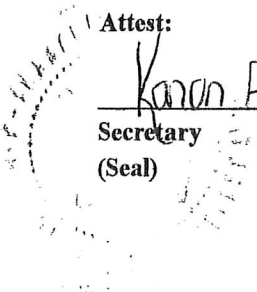
I hereby certify that the following Amendments:

Article 1, Section 105 shall be revised to add clarification of District Boundaries and Use Classifications. Article 2, Section 203 shall be revised to amend the definitions of Adult Book Store, Buffer Yard, Home Occupation and Screening; and, to include the Definitions of Disabled Motor Vehicle, Landscaping, Municipality and Municipal Use. Article 3, Section 3.1. shall be revised to include "Municipal Buildings and Facilities" as a permitted use. Article 3, Section 3.3 shall be revised to include "Landscaping Requirements". Article 3, Section 3.4. shall be revised to include "Municipal Buildings and Facilities" as a permitted use and to include "Landscaping Requirements" and to amend the maximum building height. Article 3, Section 3.5. shall be amended to replace "Park" with "District" in the title. Article 6, Section 6.2. shall be revised to amend the description of several "Prohibited Signs". Article 6, Section 6.3. shall be revised to amend the size of several "Incidental Signs". Article 6, Section 6.4. shall be revised to amend dimensions of free-standing business signs. Article 6, Section 6.5. shall be revised to include the "Commercial/Industrial" district as a permitted district for "Off-Premise Signs" and to amend the sign spacing requirements in the Commercial, Commercial/Industrial and Industrial districts and to include the manner of spacing measurements. Article 6, Section 6.6. shall be revised to amend the description of signs subject to PennDot regulation. Article 7, Section 7.3. shall be revised to include compliance with Guilford Township Ordinance 94-2. Article 7, Section 7.8. shall be revised to include compliance with Guilford Township Ordinance 96-8. Article 8, Section 8.20. shall be revised to include a maximum lot area and lot width for single family detached dwelling lots in the Industrial Zone. Article 9, Section 9.4. shall be revised to allow the extension or enlargement of a nonconforming building occupied by a conforming use by issuance of a zoning permit subject to Section 9.4.2. conditions.

to the Guilford Township Zoning Ordinance (97-8, as amended) were adopted by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania at their regular meeting on December 16, 1999. The Amendments have been incorporated into this copy.

### **BOARD OF SUPERVISORS OF GUILFORD TOWNSHIP**

Attest:

  
Karon A. Kellow  
Secretary  
(Seal)

By:

  
Chairman





## **CERTIFICATE OF ADOPTION**

**I hereby certify that the following Amendments:**

**Article 2, Section 203 shall be revised to amend the definitions of Minerals, Parking Lot, Parking Space and Screening; and to include the definitions of Agricultural Operation, Activity or Use; Dwelling, Single Family, Detached Patio; Forestry and Prime Agricultural Land. Article 3, Section 3.1.C. shall be revised to include Land Application of Sewage and Septic Sludge Waste. Article 3, Section 3.2.A. shall be revised to include Single-Family Detached Patio Dwellings. Article 3, Section 3.2.D. shall be revised to include standards for Single-Family Detached Patio. Article 3, Section 3.3.A. shall be revised to remove agricultural activities. Article 3, Section 3.5.A.12. shall be revised to correct a typographical error. Article 5, Section 5.2.20. shall be revised to require 1 space for every 3 seats. Article 6, Section 6.4.1. shall be revised to include the phrase 'per public roadway frontage'. Article 6, Section 6.6.3. shall be revised to remove Incidental Signs. Article 7, Section 7.3.B.1. shall be revised in its entirety. Article 7, Section 7.8.B. shall be revised to add the word 'semi-trailer' and to remove the phrase 'not exceeding thirty (30) feet in length'. Article 7, Section 7.10. shall be revised to include Subsections 7.10.H., 7.10.I., 7.10.J., 7.10.K., and 7.10.L. Article 7, Section 7.13. shall be revised to include 'Temporary Signage for Temporary Uses'. Article 8, Section 8.16.7. shall be revised to correct a typographical error. Article 8, Section 8.21. shall be added in its entirety. Article 11, Section 11.2.A.16. shall be revised in its entirety.**

**to the Guilford Township Zoning Ordinance (No. 97-8, as amended) were adopted by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania at their regular meeting on August 2, 2001. The Amendments have been incorporated into this copy.**

**ATTEST:**

**Secretary**

**(Seal)**

**BOARD OF SUPERVISORS OF  
GUILFORD TOWNSHIP**

**Chairman**



## **CERTIFICATE OF ADOPTION**

**I hereby certify that the following Amendments:**


**Article 2, Section 203 shall be revised to amend the Definitions of Automobile, Automobile Garage, Automobile Service Station, Parking Lot, Parking Space, Vehicle Wrecking Yard; and to include the Definitions of Premises, Sign, Tall, Height of and Sign, Tall. Article 3, Section 3.3.A.4. shall be revised to include Conditions for Automobile Dealers, Service Stations, Garage, and Car Washes. Article 3, Section 3.3.A.23. shall be revised to replace Vehicle Repair and Service with Automobile Repair and Service and to include Conditions a., b. and c. Article 3, Section 3.5.A.10. shall be revised to replace Vehicle Repair and Service with Automobile Repair and Service and to include Conditions a., b. and c. Article 3.5.A. shall be revised to include 18. Automobile Dealers, Service Stations, Garages and Car Washes to include Conditions a., b. and c. Article 5, Section 5.2.1. Automobile Sales and Service Garages shall be revised to amend the Required Parking Spaces. Article 6 shall be revised to include Section 6.7. Tall Sign Overlay Zone in its entirety.**

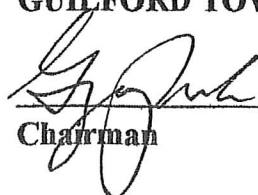
**The Official Zoning Map shall be revised to include a Tall Sign Overlay Zone along Interstate 81 in the C-Commercial, I-Industrial and CI-Commercial/Industrial Zones a width of six-hundred sixty (660) feet from the nearest edge of the right-of-way.**

**to the Guilford Township Zoning Ordinance (No. 97-8, as amended) were adopted by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania at their regular meeting on April 4, 2002. The Amendments have been incorporated into this copy.**

**ATTEST:**

**BOARD OF SUPERVISORS OF  
GUILFORD TOWNSHIP**

  
**Karan A. Killion**  
**Secretary**

  
**Chairman**



## **CERTIFICATE OF ADOPTION**

I hereby certify that the following Amendments:


Table of Contents, Article 8, Section 8.16 shall be revised to read Townhouse Developments; Section 8.17 shall be revised to read Garden Apartments; Article 3, Section 3.2.C.2. shall be revised to read Townhouse Developments; Article 3, Section 3.2.C.4. shall be revised to read Medical and Dental Clinics; Article 3, Section 3.2.C.5. shall be revised to read Mobile Home Parks subject to the Guilford Township Subdivision and Land Development Ordinance; Article 3, Section 3.2.D. shall be revised to add standard 6.; Article 8, Section 8.16 shall be revised to read Townhouse Developments; Article 8, Sections 8.16.6. through 8.16.13 shall be removed and replaced with Sections 8.16.6. through 8.16.10.; Article 8, Section 8.17 shall be revised to read Garden Apartments; Article 8, Section 8.17 shall be replaced in its entirety.

to the Guilford Township Zoning Ordinance (No. 97-8, as amended) were adopted by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania at their regular meeting June 5, 2003. The amendments have been incorporated into this copy.

**ATTEST:**

  
Secretary

**BOARD OF SUPERVISORS OF  
GUILFORD TOWNSHIP**

  
Chairman



ORDINANCE NO. 2005-15

**AN ORDINANCE OF THE TOWNSHIP OF GUILFORD, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE GUILFORD TOWNSHIP ZONING ORDINANCE, AS AMENDED, PERTAINING TO DEVELOPMENT IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICTS.**

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township of Guilford (the "Township") to preserve the agricultural areas within the Township in part by regulating the types of densities of land uses; and

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public to require thorough responsibility in the Land Application of Sewage and Septic Sludge within the Agricultural Residential zoning districts; and

**WHEREAS**, the Pennsylvania Municipalities Planning Code allows for the adoption of provisions in a zoning ordinance to preserve agricultural lands and attendant uses;

**NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY the Board of Supervisors for the Township of Guilford, Franklin County, as follows:**

Article III of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 3.1,C – Delete Item #1, "Village Overlay Zone" and renumber accordingly.
2. Section 3.1,D – Delete Items #1, #2, and #3 and replace with the following:
  1. Minimum Lot Size: 2 Acres\*\*
  2. Minimum Lot Width: 200 Feet
  3. Building Setback Lines:

Front	50 Feet
Side	30 Feet Each
Rear	50 Feet

**\*\*NOTE:** The Pennsylvania Department of Environmental Resources requires a Preliminary Hydrogeologic Study for all on-lot sewage disposal system proposals in Guilford Township. The "Minimum Lot Size" may be increased in order to meet the results of the "Preliminary Hydrogeologic Study".

3. Section 3.6,A – Delete the words “AR and” and remove the “s” on “Zones”
4. Section 3.6,B – Delete the words “AR and” and remove the “s” on “Zones”
5. Section 3.6,F – Delete the words “thirty (30) contiguous undeveloped acres in single ownership in the AR Zone or”
6. Section 3.6,J – Delete all of that portion of the table referencing the “AR Zone”

Article VIII of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 8.21.4 will be revised as follows:
  4. Copies of all monitoring reports, notification requirements and inspection reports by Pa. D.E.P. in addition to any correspondence relating to violations, restrictions, etc. shall be sent to the Township in a timely manner.
2. Section 8.21. will be amended to add the following:
  5. Shall provide written consent of the Owner(s) of the land upon which the sewage/septic sludge waste will be land applied, on an Affidavit form supplied by the Township. Upon receipt of notice of approval of the necessary conditional use, said Affidavit shall be recorded in the Franklin County Courthouse within forty-five (45) days.
  6. Shall provide written acknowledgement from the person(s) responsible for applying the sewage/septic sludge waste to the land, on an Affidavit form supplied by the Township. Upon receipt of notice of approval of the necessary conditional use, said Affidavit shall be recorded in the Franklin County Courthouse within forty-five (45) days.
  7. Shall provide written acknowledgement from the person(s) responsible for the generation of the sewage/septic sludge waste to be land applied, on an Affidavit form supplied by the Township. Upon receipt of notice of approval of the necessary conditional use, said Affidavit shall be recorded in the Franklin County Courthouse within forty-five (45) days.
  8. No land approved for land application sewage/septic sludge waste shall exceed an existing natural surface slope of ten (10) percent.



9. A Site Plan detailing the proposed land application area and the area within 1,000 feet of the perimeter of the land application area including the access drive from a public roadway. Existing contours of the land application area and the perimeter area noted above at vertical intervals of two (2) feet. All existing surface topography shall be included along with any underground utility lines or pipes as identified through a current PA One Call notification.

ENACTED AND ORDAINED this 1 day of July, 2005.

TOWNSHIP OF GUILFORD

By: [Signature]  
Chairman, Board of Township Supervisors

By: [Signature]

By: [Signature]

ATTEST:

[Signature]  
Township Secretary

(Township Seal)



ORDINANCE NO. 2006-12

**AN ORDINANCE OF THE TOWNSHIP OF GUILFORD, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE GUILFORD TOWNSHIP ZONING ORDINANCE, AS AMENDED, PERTAINING TO DEVELOPMENT OF PAINTBALL FACILITIES, OFF-PREMISES ADVERTISING SIGNS AND PRIVATE OUTDOOR SWIMMING POOLS.**

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township of Guilford (the "Township") to regulate paintball facilities within the Agricultural Residential zoning district; and

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township to regulate off-premises advertising signs within the C – Commercial zoning district; and

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township to regulate private outdoor swimming pool covers in concert with the Commonwealth of Pennsylvania Building Code; and

**WHEREAS**, the Pennsylvania Municipalities Planning Code allows for the adoption of revisions to an existing zoning ordinance to clarify and broaden the scope of the regulations within the ordinance;

**NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY the Board of Supervisors for the Township of Guilford, Franklin County, as follows:**

Article III of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 3.1.A.12. – Add the words "and paintball facilities" after the word "parks" within the parentheses.
2. Section 3.1.B.4. – Remove the word "and" after the words "country clubs" and add the words "and paintball facilities" after the words "gun clubs".
3. Section 3.2.B.6. – Add the words "and paintball facilities" after the word "parks" within the parentheses.

Article VI of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 6.5.2. will be revised to read as follows:  
"Such signs erected in the CI – Commercial/Industrial Zone and the I – Industrial Zone shall not exceed four hundred eighty (480) square feet in area. Such signs erected in the C – Commercial Zone shall not exceed two hundred forty (240) square feet in area."
2. Section 6.5.5. – Remove the words "the balance of"; and, replace the words "two (2)" with the words "one (1)".
3. Section 6.5.6. – Remove the words "the balance of"; and, after the words "(20) feet" add the words "nor shall contain over two (2) advertising signs per facing".
4. Section 6.5.7. – After the words "property lines" add the words "unless otherwise regulated herein".
5. Section 6.5.8. will be revised to read as follows:  
"No sign shall be permitted to be erected within one hundred (100) feet of an adjoining Residential District; nor, within fifty (50) feet of any adjoining residentially used property; nor, within fifty (50) feet of any residentially used buildings on the property on which the sign is erected."

Article VII of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 7.6.A.3. – Add the following sentence to the end of the section:  
"A swimming pool with a power safety cover or a spa with a safety cover complying with Section 3109.4 of the 2000 International Building Code, as amended, and ASTM F 1346 shall be excepted from the fencing requirements herein."

Article VIII of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 8.9 – After the words "(R) Zone outdoor recreational facilities" add the words "(except amusement parks and paintball facilities)".
2. Section 8.9.2. – After the word "noise," add the word "projectiles".
3. Section 8.9.4. will be revised to read as follows:  
"All facilities including buildings, playing fields, pavilions and outdoor structures shall be located no closer than one hundred (100) feet to any property line, lease line or right-of-way line. If screening, fencing or barriers are provided to prevent projectiles, balls or children from leaving the premises a fifty (50) setback, as an alternative, can be used."

ENACTED AND ORDAINED this 19 day of October, 2006.

TOWNSHIP OF GUILFORD

By: \_\_\_\_\_  
Chairman, Board of Township Supervisors

By: Mark H. H. H.

By: Steve C. Rock

ATTEST:

Korin Kellon  
Township Secretary

(Township Seal)



ORDINANCE NO. 2008-5

**AN ORDINANCE OF THE TOWNSHIP OF GUILFORD, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE GUILFORD TOWNSHIP ZONING ORDINANCE, AS AMENDED, PERTAINING TO DEVELOPMENT IN THE RESIDENTIAL ZONING DISTRICT, INCIDENTAL SIGNS, SCREENING AND ACCESSORY BUILDINGS.**

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township of Guilford (the "Township") to control the densities of land uses within the Township in part by regulating the types of land uses in the Residential zoning district; and

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public to regulate incidental signs within the Township; and

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township to regulate screening and buffer yards in the Township; and

**WHEREAS**, the Board of Supervisors for Guilford Township has determined that it is in the best interest of the general public of the Township to provide for Wind Energy Conversion Systems in the AR – Agricultural/Residential zoning district; and

**WHEREAS**, the Pennsylvania Municipalities Planning Code allows for the adoption of revisions to an existing zoning ordinance to clarify and broaden the scope of the regulations within the ordinance;

**NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY the Board of Supervisors for the Township of Guilford, Franklin County, as follows:**

**ARTICLE 2, DEFINITIONS**, of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 203. – Modify the definition of "Buffer Yard" by deleting the word "protect" and insert in its place the words "separate visually". Also, change the "five (5)" to "six (6)".
2. Section 203. – Delete the definition of "Dwelling, Single Family, Detached Patio".
3. Section 203. – Add the definition of "Institution: An organization having a social, educational, or religious purpose and the building housing it."

4. Section 203. – Add the definition of “Renewable Energy Resource: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to the natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in fission and fusion processes.”
5. Section 203. – Delete the definition of “Screening” and replace in its entirety with the following definition of “Screening (See also Buffer Yard): The method by which a view or element of one site is partially shielded, concealed, or hidden from an adjacent site or adjacent element. Screening may include one or a combination of materials such as walls, berms, mounds, and plantings provided such materials are sufficiently dense within 12 months of installation. Plantings, fences, walls, and/or mounds shall be a minimum height of six (6) feet upon planting or installation.”

ARTICLE 3, DISTRICT USE REGULATIONS, of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 3.2.A.11. – Delete in its entirety.
2. Section 3.2.D.2. – Delete in its entirety and renumber accordingly.

ARTICLE 6, SIGNS, of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 6.3 will be amended to add the following:
  15. Off-premises advertising signs when affixed to the fence defining the interior space of a non-profit baseball, softball, football, or soccer field subject to the following standards and those applicable standards in Section 6.6 and elsewhere in this Ordinance.
    - a.) No sign shall exceed a size of thirty-two (32) square feet or a dimension of four (4) feet by eight (8) feet.
    - b.) No sign shall be directly illuminated.
    - c.) Only the side of the sign that is displayed to the interior of the playing field shall bear advertising.

ARTICLE 7, SUPPLEMENTARY REGULATIONS, of the Guilford Township Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 7.2 will be amended to add the following:
  - G. Wind Energy Conversion Systems (WECS) as a renewable energy source are permitted as an accessory use in the Agricultural/Residential District provided that no part of the structure shall be closer to any property line than its total height.



ENACTED AND ORDAINED this 3 day of July, 2008.

TOWNSHIP OF GUILFORD

By: Gary Smith  
Chairman, Board of Township Supervisors

By: Paul M. Hobbs

By: Steven C. Rock

ATTEST:

Karen Kellon  
Township Secretary

(Township Seal)





ORDINANCE NO. 2011 - 10

**AN ORDINANCE AMENDING ARTICLE 2, DEFINITIONS, AND ARTICLE 4, FLOOD PLAIN MANAGEMENT, OF ORDINANCE NO. 97-8 AS SUBSEQUENTLY AMENDED, ENTITLED GUILFORD TOWNSHIP ZONING ORDINANCE.**

**WHEREAS**, pursuant to its powers under laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Guilford Township, Franklin County, Commonwealth of Pennsylvania, is in the hands of its Board of Supervisors; and

**WHEREAS**, said Board deems it to be in the best interest of the public health, safety, and welfare to amend the within Ordinance to comply with Federal and State Floodplain Management requirements.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors for Guilford Township, Franklin County, Pennsylvania, that Article 2 and Article 4 of Ordinance 97-8 as subsequently amended (hereinafter the "Zoning Ordinance") shall be further amended as follows:

**SECTION I:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by modifying the following definitions in accordance with the provisions set forth below:

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or property including covered porches or bay windows and chimneys. Included shall be all manufactured homes and trailers to be used for human habitation.

**CARTWAY:** That portion of a street or alley which is improved, designated, or intended for vehicular use.

**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, and any lot or subdivision of land that would be subject to the Floodplain Management Ordinance; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations;

storage of equipment or materials; and the subdivision of land.

**FLOOD, BASE:** A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

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

**LAND DEVELOPMENT (see SUBDIVISION):** Any of the following activities:

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

**MANUFACTURED/MOBILE HOME LOT:** A parcel of land in a manufactured/mobile home park/community/ subdivision, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured/mobile home.

**MANUFACTURED/MOBILE HOME PARK/COMMUNITY/SUBDIVISION:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes for non transient use.

**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.

**SECTION II:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by replacing "Flood Plain" with the following:

**FLOOD PLAIN AREA:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or

watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**SECTION III:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by adding the following definitions, in appropriate alphabetical sequence, as set forth below:

**BANKFULL (STAGE):** The incipient elevation on the bank of a stream where flooding begins. The bankfull stage is associated with the flow that just fills the channel to the top of its banks, a point where the water begins to overflow onto a floodplain.

**FLOOD, BASE ELEVATION (BFE):** the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent chance of being equaled or exceeded in any given year.

**FLOOD, REGULATORY ELEVATION:** the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.

**FLOOD INSURANCE RATE MAP (FIRM):** the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS):** the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOOD, SPECIAL HAZARD AREA (SFHA):** an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

**FLOOR, LOWEST:** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

**GRADE, HIGHEST ADJACENT:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**LAND USE PERMIT:** Written permission issued by the proper Township official for the construction, repair, alteration or addition to a structure.

**MANUFACTURED/MOBILE HOME:** a structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**RECREATIONAL VEHICLE:** a vehicle which is built on a single chassis, not more than 400 square feet (measured at the largest horizontal projections), designed to be self-propelled or permanently towable by a light-duty truck, and not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

**TOP OF BANK:** The highest point or level of the stream bank, at a break in slope of the stream bank that represents bankfull stream flow. On stream channels where a break in slope is indiscernible the top of bank shall be represented by the elevation of the runoff flow for the storm having a 50-percent annual chance of being equaled or exceeded.

**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 State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**SECTION IV:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by deleting the following definition:

**BUILDING PERMIT:** Written permission issued by the proper Township official for the construction, repair, alteration or addition to a structure.

SECTION V: Article 4 of the Guilford Township Zoning Ordinance, entitled "Flood Plain Management" shall be amended to replace the provisions contained therein with the following:

#### ARTICLE 4

#### FLOOD PLAIN MANAGEMENT

SECTION 401. Any proposed use occurring within a floodplain as identified in Ordinance 2011-08, the Flood Plain Management Ordinance, as amended from time to time, shall be in strict conformity with the provisions of the Zoning Ordinance and the Flood Plain Management Ordinance.

#### SECTION 402. ESTABLISHMENT OF FLOOD PLAIN OVERLAY DISTRICTS:

##### 1. Overlay Concept.

- A. The Flood Plain Districts described in the Floodplain Management Ordinance shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Districts shall serve as a supplement to the underlying district provisions, provided they are a permitted use in such underlying district.
- B. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain provisions or requirements of any of the Flood Plain Districts and those of any underlying district, the more restrictive provisions shall apply.

- 2. Zoning Map. The boundaries of the Flood Plain Districts are established as incorporated into the Guilford Township Zoning Map. Refer to Section 105, INTERPRETATION, as contained in this Ordinance.

#### SECTION 403. SPECIAL EXCEPTIONS IN FLOOD PLAIN DISTRICTS

- 1. Review Factors. In reviewing applications for Special Exceptions in Flood Plain Districts, as permitted by the Floodplain Management Ordinance or the Zoning Ordinance, the Zoning Hearing Board shall consider all relevant factors and procedures specific in other sections of the Zoning Ordinance and:
  - A. The danger to life and property due to increased flood elevations or velocities caused by encroachments.
  - B. The danger that materials may be swept onto other lands or downstream to the injury of others.

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - E. The importance of the services provided by the proposed facility to the community.
  - F. The requirements of the facility for a waterfront location.
  - G. The availability of alternative locations not subject to flooding for the proposed use
  - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - J. The safety of access to the property in time of flood of ordinary and emergency vehicles.
  - K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - L. Such other factors which are relevant to the purposes of this Ordinance.
2. Supplemental Technical Review. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified persons or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
3. Conditions For Approving Special Exceptions.
- A. Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
    - (1) Unacceptable or prohibited increases in flood heights;
    - (2) Additional threats to public safety;
    - (3) Extraordinary public expense;
    - (4) The creation of nuisances;
    - (5) Any fraud or victimization of the public; or



(6) Any conflict with local laws or ordinances.

B. No special exception shall be granted for any proposed use, development, or activity within any floodway district (FW) that will cause any increase in flood elevations.

#### SECTION 404. VARIANCES WITHIN THE FLOOD PLAIN DISTRICTS:

1. General. If compliance with any of the requirements of this Article or the use requirements of the Floodplain Management Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
2. Variance Procedures and Requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:
  - A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred (100) year flood elevation.
  - B. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life.
  - C. If granted, a variance shall involve only the least modification necessary to provide relief.
  - D. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
  - E. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
    - (1) The granting of the variance may result in increased premium rates for flood insurance.
    - (2) Such variances may increase the risks to life and property.
  - F. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
    - (1) That there is good and sufficient cause.
    - (2) That failure to grant the variance would result in exceptional hardship to the applicant.

- (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood elevations, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinance and regulations.
- (4) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

G. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

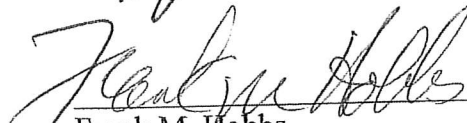
**SECTION VI: REPEALER.** All provisions of previous Ordinances of Guilford Township which are contrary to this Ordinance are expressly repealed.

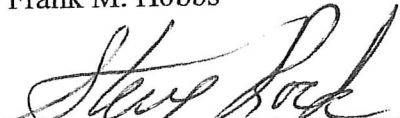
**SECTION VII: SEVERABILITY.** If any section, subsection, paragraph, sentence clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION VIII: EFFECTIVE DATE.** This Ordinance shall be effective on January 18, 2012, and shall remain in force until modified, amended or rescinded by Guilford Township, Franklin County, Pennsylvania.

ENACTED AND ORDAINED this 15<sup>th</sup> day of December, 2011 by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania in lawful session duly assembled.

  
\_\_\_\_\_  
Gregory L. Cook

  
\_\_\_\_\_  
Frank M. Hobbs

  
\_\_\_\_\_  
Steve Rock

ORDINANCE NO. 2014 - 05

**AN ORDINANCE AMENDING ARTICLE 2, DEFINITIONS, ARTICLE 3, DISTRICT USE REGULATIONS, ARTICLE 6, SIGNS, ARTICLE 7 SUPPLEMENTARY REGULATIONS, AND ARTICLE 8, SPECIFIC CRITERIA OF ORDINANCE NO. 97-8 AS SUBSEQUENTLY AMENDED, ENTITLED GUILFORD TOWNSHIP ZONING ORDINANCE.**

**WHEREAS**, pursuant to its powers under laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Guilford Township, Franklin County, Commonwealth of Pennsylvania, is in the hands of its Board of Supervisors; and

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code entitled "Zoning" 53 P.S. 10601 *et. seq.* authorizes the Township to enact, amend and repeal Zoning ordinances within the Township; and

**WHEREAS**, said Board deems it to be in the best interest of the public health, safety, and welfare to amend the Zoning Ordinance of Guilford Township.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors for Guilford Township, Franklin County, Pennsylvania, that Article 2, Article 3, Article 6, Article 7 and Article 8 of Ordinance 97-8 as subsequently amended (hereinafter the "Zoning Ordinance") shall be further amended as follows:

**SECTION I:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by modifying the following definitions as follows:

**ACCESSORY USE:** A use incidental to, and on the same lot as, a principal use. A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or a principal use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; e) is located on the same lot as the principal building or use served; or f) is a solar energy system primarily for on-site use.

**WIND ENERGY CONVERSION SYSTEM (WECS):** A device, including wind turbine, which converts wind energy to mechanical or electrical energy through the use of a wind turbine generator, and includes the nacelle, wind rotor, wind tower, and transformer, if any.

**SECTION II:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by adding the following definitions, in

appropriate alphabetical sequence, as follows:

FLICKER: A repeating cycle of changing light intensity.

GROUND CLEARANCE: The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

OCCUPIED BUILDING: A residence, school, hospital, church, library, commercial building, municipal building, utility building or other building that is in use at the time of permit application.

PRINCIPLE SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principle Solar Energy Systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PRINCIPLE WIND ENERGY FACILITY (PWEF): A system designed as the primary use on an area of land or other area, wherein the power generated is used primarily for off-site consumption. A Principle Wind Energy Facility consists of one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SHADOW FLICKER: Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

TOTAL HEIGHT: When referring to a wind turbine, the distance measured from the surface of the wind tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

WIND TOWER: The supporting structure of a wind turbine (WECS) on which a wind rotor and accessory equipment are mounted. The basic types of wind towers include self-supporting (free standing) or guyed.

**SECTION III:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.1 entitled “(AR) Agricultural Residential District” shall be amended by adding the following provisions:

18. Principle Solar Energy Systems (PSES) subject to the following:

- a. The PSES layout, design and installation shall conform to applicable industry standards and shall comply with the Pennsylvania Building Code, and with all

other applicable fire and life safety requirements.

- b. The Owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
- c. The Applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- d. The PSES owner shall notify the Township upon cessation or abandonment of the operation, dismantling and removal of the PSES shall be completed in twelve (12) months and the Owner shall provide suitable financial security to the Township for dismantling, removal and restoration.
- e. Ground mounted PSES height shall not exceed twenty (20') feet.
- f. Ground mounted PSES shall be completely enclosed by a minimum eight (8') foot high fence with a self-locking gate.
- g. Roof mounted PSES shall be subject to the maximum height regulations of the underlying district.

19. Principle Wind Energy Facility (PWEF) subject to the following:

- a. The PWEF layout, design and installation shall conform to applicable industry standards and shall comply with the Pennsylvania Building Code.
- b. The Applicant shall provide documentation that the PWEF will comply with applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.
- c. The Owner of the PWEF shall provide the Township written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
- d. The PWEF shall be painted a non-reflective, flat color.
- e. The PWEF shall not be artificially lighted except as required by the FAA or other applicable Authority.
- f. A minimum eight (8') foot high fence with a self-locking gate shall be placed around the PWEF.
- g. There shall be no specific height limitation so long as the total height meets sound and setback requirements imposed by FAA and a thirty (30) foot minimum ground clearance is maintained.
- h. All Setbacks measured from the center of the Wind Turbine base:
  - 1. Wind Turbines shall be setback from the nearest property line a distance of not less than the normal setback distances for the zoning district or 1.1 times its total height, whichever is greater.
  - 2. Wind Turbines shall be setback from any occupied building not less than 2.0 times its total height.
  - 3. Wind Turbines shall be setback from all above-ground utility lines a distance of no less than 1.1 times its total height.

- i. Audible sounds from a PWEF shall comply with the requirements of the Guilford Township Noise Ordinance, Ordinance No. 93-11, as amended.
- j. A PWEF shall not cause any shadow flicker on any occupied building or any roadway.
- k. The PWEF Owner shall notify the Township upon cessation or abandonment of the operation, dismantling and removal of the PWEF shall be completed in twelve (12) months and the Owner shall provide suitable security to the Township for dismantling, removal and restoration.

20. Bio-Solids Manure Digesting Systems, Manure Composting Facilities and similar Manure-to-Energy Systems (MES) subject to the following:

- a. The MES System or Facility, including all components thereof such as buildings, stockpiles, tankage, equipment storage, and the like, shall be setback a minimum of three-hundred (300') feet from all property lines or in accordance with the Nutrient Management Act, whichever is less.
- b. All aspects of the MES shall comply with applicable regulations and requirements of the State and Federal government including but not limited to the UCC.
- c. The MES Owner shall notify the Township upon cessation of the operation, dismantling and removal of the MES shall be completed in twelve (12) months and the Owner shall provide suitable security to the Township for dismantling, removal and restoration.

**SECTION IV:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.2 entitled “(R) Residential District”, Subsection A entitled “Permitted Uses” shall be amended by adding the following provision:

- 11. Public Schools having a minimum setback of fifty (50') feet from all property lines

**SECTION V:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.2 entitled “(R) Residential District”, Subsection B entitled “Special Exceptions”, Item 5 shall be amended in its entirety and read as follows:

- 5. Private School

**SECTION VI:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.3 entitled “(C) Commercial District”, Subsection A entitled “Permitted Uses” shall be amended by adding the following provision:

- 31. Any detached principal building existing on the effective date of this amendment may be used for one of the following residential uses:
  - a. A single-family detached dwelling.
  - b. The conversion of a single-family detached dwelling into a two-family dwelling.

- c. The establishment of an accessory apartment in addition to the existing principal permitted use of the lot.

**SECTION VII:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.4 entitled “(I) Industrial District”, Subsection A entitled “Permitted Uses” shall be amended by adding the following provisions:

26. Principle Solar Energy Systems (PSES) as listed and regulated in Section 3.1.A.18.
27. Principle Wind Energy Facilities (PWEF) as listed and regulated in Section 3.1.A.19.

**SECTION VIII:** Article 6 of the Guilford Township Zoning Ordinance, Section 6.3 entitled “Incidental Signs”, Item 7 shall be amended in its entirety and read as follows:

7. Signs advertising home occupations shall be not larger than four (4) square feet bearing not more than the occupation conducted within the dwelling and the name of the practitioner. Only one sign shall be permitted per home occupation.

**SECTION IX:** Article 7 of the Guilford Township Zoning Ordinance, Section 7.2 entitled “Accessory Building Regulations”, Subsection A shall be amended in its entirety and read as follows:

- A. In a residential district an accessory building not attached to the principal structure may be located in any required side or rear yard provided:
  1. Such building shall not exceed one story or be more than twenty (20) feet in height.
  2. Such buildings shall be set back five (5) feet from any lot line.
  3. All such buildings in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard.

**SECTION X:** Article 7 of the Guilford Township Zoning Ordinance, Section 7.2 entitled “Accessory Building Regulations”, Subsection G shall be amended in its entirety and read as follows:

G. Wind Energy Conversion Systems (WECS) as a renewable energy source are permitted as an accessory use in the Agricultural/Residential District and the Industrial District provided that no part of the structure shall be closer to any property line than its total height.

**SECTION XI:** Article 7 of the Guilford Township Zoning Ordinance, Section 7.6 entitled “Private Outdoor Swimming Pools”, Subsection A shall be amended in its entirety and read as follows:

- A. A land use permit and a building permit shall be required for the installation or



construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

1. Such pool may be erected in the required rear yard, but not in the required side yard or front yard.
2. The water edge of such pool shall not be located nearer than twenty (20) feet to any lot line for an in-ground pool or nearer than fifteen (15) feet for an above-ground pool.
3. Any such pool with a surface area of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall that is not less than four (4) feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four (4) feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected. A swimming pool with a power safety cover or a spa with a safety cover complying with Section 3109.4 of the 2000 International Building Code, as amended, and ASTM F 1346 shall be excepted from the fencing requirements herein.
4. Portable wading pools less than the area and depth requirements of item 3 above shall be exempt.

**SECTION XII:** Article 7 of the Guilford Township Zoning Ordinance, Section 7.10 entitled "Performance Standards" Subsection G shall be amended in its entirety and read as follows:

G. RESERVED.

**SECTION XIII:** Article 7 of the Guilford Township Zoning Ordinance, Section 7.10 entitled "Performance Standards" shall be amended by adding the following provisions:

M. Act of 1968, P.L. 805, No. 247, known as the "Pennsylvania Municipalities Planning Code".

N. Act 45 of 1999 (35 PS 7210.101 – 7210.1103) known as the "Pennsylvania Construction Code Act.

**SECTION XIV:** Article 8 of the Guilford Township Zoning Ordinance, Section 8.12 entitled "Public and Private Schools", shall be renamed and amended in its entirety and read as follows:

#### SECTION 8.12 PRIVATE SCHOOLS

Within the (R) Zone private schools are permitted by special exception, subject to the following criteria:

1. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines.



2. All buildings shall be set back at least fifty (50) feet from any adjoining land within a residential zone.
3. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65') square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25') feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4') foot high fence and screened from adjoining residentially-zoned properties.
4. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
5. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
6. Impervious cover shall not exceed fifty percent (50%).

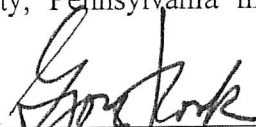
**SECTION XV: REPEALER.** All provisions of previous Ordinances of Guilford Township which are contrary to this Ordinance are expressly repealed.

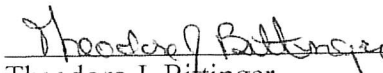
**SECTION XVI: SEVERABILITY.** If any section, subsection, paragraph, sentence clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

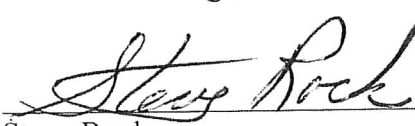
**SECTION XVII: SAVINGS CLAUSE.** In all other respects, the Ordinance of Guilford Township shall remain as previously enacted and ordained.

**SECTION XVIII: EFFECTIVE DATE.** This Ordinance shall take effect five days after its enactment, and shall remain in force until modified, amended or rescinded by Guilford Township, Franklin County, Pennsylvania.

ENACTED AND ORDAINED this 7<sup>th</sup> day of August, 2014 by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania in lawful session duly assembled.

  
\_\_\_\_\_  
Gregory L. Cook

  
\_\_\_\_\_  
Theodore J. Bittinger

  
\_\_\_\_\_  
Steve Rock

**AN ORDINANCE AMENDING ARTICLE 2, DEFINITIONS, AND ARTICLE 8, SPECIFIC CRITERIA, SECTION 8.15 SURFACE MINING AND QUARRY RELATED MANUFACTURING OF ORDINANCE NO. 97-8 AS SUBSEQUENTLY AMENDED, ENTITLED GUILFORD TOWNSHIP ZONING ORDINANCE.**

**WHEREAS**, pursuant to its powers under laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Guilford Township, Franklin County, Commonwealth of Pennsylvania, is in the hands of its Board of Supervisors; and

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code entitled "Zoning" 53 P.S. 10601 *et. seq.* authorizes the Township to enact, amend and repeal Zoning ordinances within the Township; and

**WHEREAS**, said Board deems it to be in the best interest of the public health, safety, and welfare to amend the Zoning Ordinance of Guilford Township.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors for Guilford Township, Franklin County, Pennsylvania, that Article 2 and Article 8, Section 8.15, Subsection 2 of Ordinance 97-8 as subsequently amended (hereinafter the "Zoning Ordinance") shall be further amended as follows:

**SECTION I:** The following definition of Article 2 of the Guilford Township Zoning Ordinance, entitled "Definitions", shall be amended in its entirety and read as follows:

**SURFACE MINING:** The extraction of minerals from the earth, from waste or stock piles, or from pits or banks as activities conducted upon the surface of the land which require the removal of overburden, strata or material overlying, above or between the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger and open pit mining, quarrying, leaching, box cutting, haul roads, berms, crushers, processing equipment, storage of materials or equipment related to mining, overburden storage and all activities related thereto. Mining activities carried out beneath the surface by means of shafts, tunnels, or other underground mine openings are not included in this definition.

**SECTION II:** Article 8 of the Guilford Township Zoning Ordinance, Section 8.15 thereof, entitled "Surface Mining and Quarry Related Manufacturing", Subsection 2 shall be amended in its entirety and read as follows:

2. Haul roads and berms associated with surface mining operations shall be set back a minimum of twenty-five (25) feet from any property line or public road

right-of-way and all other surface mining operations shall be set back a minimum of one hundred (100) feet from any property line or road right-of-way.

**SECTION III: REPEALER.** All provisions of previous Ordinances of Guilford Township which are contrary to this Ordinance are expressly repealed.

**SECTION IV: SEVERABILITY.** If any section, subsection, paragraph, sentence clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION V: SAVINGS CLAUSE.** In all other respects, the Ordinance of Guilford Township shall remain as previously enacted and ordained.

**SECTION VI: EFFECTIVE DATE.** This Ordinance shall take effect five days after its enactment, and shall remain in force until modified, amended or rescinded by Guilford Township, Franklin County, Pennsylvania.

ENACTED AND ORDAINED this 3<sup>rd</sup> day of DECEMBER, 2015 by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania in lawful session duly assembled.

TOWNSHIP OF GUILFORD

By: Gordon Cook  
Chairman, Board of Supervisors

By: Theresa J. Bittner

By: \_\_\_\_\_

**ATTEST:**

Shannon M. Roth  
Township Secretary

(Township Seal)



ORDINANCE NO. 2017 - 03

**AN ORDINANCE AMENDING ARTICLE 2, DEFINITIONS, ARTICLE 3, DISTRICT USE REGULATIONS AND ARTICLE 8, SPECIFIC CRITERIA OF ORDINANCE NO. 97-8 AS AMENDED, ENTITLED GUILFORD TOWNSHIP ZONING ORDINANCE.**

**WHEREAS**, pursuant to its powers under laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Guilford Township, Franklin County, Commonwealth of Pennsylvania, is in the hands of its Board of Supervisors; and

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code entitled "Zoning" 53 P.S. §10601 *et. seq.* authorizes the Township to enact, amend and repeal Zoning ordinances within the Township; and

**WHEREAS**, said Board deems it to be in the best interest of the public health, safety, and welfare to amend the Zoning Ordinance of Guilford Township.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors for Guilford Township, Franklin County, Pennsylvania, that Article 2, Article 3 and Article 8 of Ordinance 97-8 as amended (hereinafter the "Zoning Ordinance") shall be further amended as follows:

**SECTION I:** Article 2 of the Guilford Township Zoning Ordinance, Section 203 thereof, entitled "List of Definitions" shall be amended by adding the following definition:

EQUINE and COMMUNITY THERAPY CENTER: An indoor and outdoor facility designed, improved and operated for the purpose of enhancing the physical, emotional behavioral and cognitive skills of children and adults with disabilities and other mental health issues using horses and other domestic therapeutic animals as well as a diverse range of certified therapeutic programs and activities in a countryside setting. Such uses may also include therapy gardens, therapy pools, gymnasium, auditorium, classrooms, business training complex and food service facilities for therapy participants.

**SECTION II:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.1.C. thereof, entitled "Conditional Uses" shall be amended by adding the following subsection 7:

7. Equine and Community Therapy Centers

**SECTION III:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.2.B entitled "Special Exceptions" shall be amended by adding the following subsection 7:

7. Medical and Dental Clinics



**SECTION IV:** Article 3 of the Guilford Township Zoning Ordinance, Section 3.2.C entitled “Conditional Uses”, Item 4 shall be amended by removing Medical and Dental Clinics and replacing the contents with the following:

Equine and Community Therapy Centers

**SECTION V:** Article 8 of the Guilford Township Zoning Ordinance shall be amended by adding the following Section 8.22 entitled “Equine and Community Therapy Centers” as follows:

Section 8.22 Equine and Community Therapy Centers

Within the (AR) and (R) Zones, Equine and Community Therapy Centers are permitted by conditional use subject to the following:

1. Minimum Lot Area – 10 acres.
2. Minimum of two (2) points of ingress and egress to public roads directly from the site.
3. Applicant shall demonstrate compliance with all applicable federal, state and local laws, rules and regulations regarding the keeping and housing of livestock and manure and odor management.
4. Public or Community Water and Sewer
  - A. If the use is proposed for the R Zone, the Applicant shall connect to Public or Community Water System and Public or Community Sewer System.
  - B. If the use is proposed for the AR Zone, the Applicant shall connect to the Public or Community Water System and the Public or Community Sewer System if such system(s) are within one-hundred fifty (150) feet of the property on which the Center is to be located.
5. Parking shall be provided at the rate of one (1) space for each staff position and volunteer present at the Center at any one time, as well as one (1) space for each horse stall at the Center. The Applicant shall further demonstrate that sufficient temporary parking area is available on-site to accommodate scheduled community events.
6. All lighting shall be arranged and shielded so that no unreasonable glare or illumination is cast upon adjoining residential uses.





7. All facilities including buildings, stables, playing fields, pavilions and outdoor structures shall be located no closer than one-hundred (100) feet to any property line, lease line or right-of-way line.

8. Subject to compliance with the Sign regulations as set forth in Section 6.3.6. herein.

9. The Applicant shall demonstrate appropriate certification with the North American Riding for Handicapped Association (NARHA) as well as other certifications required by the Commonwealth for the type of therapy provided.

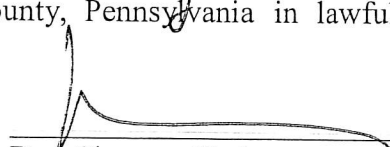
**SECTION VI: REPEALER.** All provisions of previous Ordinances of Guilford Township which are contrary to this Ordinance are expressly repealed.

**SECTION VII: SEVERABILITY.** If any section, subsection, paragraph, sentence clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

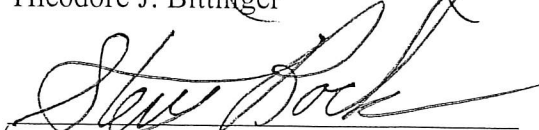
**SECTION VIII: SAVINGS CLAUSE.** In all other respects, the Ordinance of Guilford Township shall remain as previously enacted and ordained.

**SECTION IX: EFFECTIVE DATE.** This Ordinance shall take effect five days after its enactment, and shall remain in force until modified, amended or rescinded by Guilford Township, Franklin County, Pennsylvania.

**ENACTED AND ORDAINED** this 16<sup>th</sup> day of February, 2017 by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania in lawful session duly assembled.

  
Don Clapper, Chairman

  
Theodore J. Bittinger

  
Steve Rock



**GUILFORD TOWNSHIP  
FRANKLIN COUNTY, PA**

**ORDINANCE NO. 2018-14**

**AN ORDINANCE OF THE TOWNSHIP OF GUILFORD, FRANKLIN COUNTY, PENNSYLVANIA AMENDING ARTICLE 1, TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES; ARTICLE 2, DEFINITIONS; ARTICLE 3, DISTRICT USE REGULATIONS; ARTICLE 5, OFF-STREET PARKING; ARTICLE 6, SIGNS; ARTICLE 7, SUPPLEMENTARY REGULATIONS; ARTICLE 8, SPECIFIC STANDARDS FOR SPECIAL EXCEPTION AND CONDITIONAL USES; ARTICLE 9, NONCONFORMING BUILDING AND USES; ARTICLE 10, ZONING HEARING BOARD; AND ARTICLE 11, ADMINISTRATION; OF THE GUILFORD TOWNSHIP ZONING ORDINANCE NO. 97-8, AS AMENDED, REGULATING ZONING.**

**WHEREAS**, pursuant to its powers under the laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Guilford Township, Franklin County, Commonwealth of Pennsylvania, is in the hands of its Board of Supervisors; and

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code, entitled "Zoning", 53 P.S. §10601 *et seq.*, authorizes the Township to enact, amend, and repeal zoning ordinances within the Township; and

**WHEREAS**, said Board deems it to be in the best interest of the public health, safety, and welfare of its citizens to amend the aforesaid Ordinance, as set forth in detail below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania, that Articles 1, 2, 3, 5, 6, 7, 8, 9, 10, and 11 of Ordinance No. 97-8, as subsequently amended (hereinafter the Zoning Ordinance) shall be as follows:

**Section I.** Article 1 of the Guilford Township Zoning Ordinance entitled "Title, Authority, Purpose, Community Development Objectives", Section 105 entitled "Interpretation", Item 3 shall be amended in its respective entirety and read as follows:

**105.3 In all cases where a district boundary divides a lot, the regulations prescribed by this Ordinance for the less restricted district shall apply to that part of the more restricted portion of said lot which lies within 50 feet of the district boundary. For purposes of this Section, the more restricted district shall be the AR – Agricultural / Residential District, the R – Residential District, the I – Industrial District, the C – Commercial District, and with the CI – Commercial / Industrial District being the least restrictive district.**

**Section II.** Article 2 of the Guilford Township Zoning Ordinance entitled "Definitions", Section 203 entitled "List of Definitions", shall be amended by modifying the following definitions as follows:

**ACCESSORY BUILDING:** A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the use of the main building (or when used as part of an approved home occupation).

**CERTIFICATE OF USE AND COMPLIANCE:** A permit issued by the proper Township Official allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities, municipal or other governmental agencies or private corporations under contract to a municipality of gas, electric, telephone, steam, or water transmission or distribution system and sewer facilities, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants and other similar equipment and accessories, and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or firehouses or fire companies and emergency services under agreement with the Township or the public health or safety or general welfare. Landfills and landfill activities, and personal wireless or cellular telecommunications facilities are not considered essential services for the purposes of this definition.

**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters. All dimensions shall be measured between exterior faces of walls.

**HOSPICE FACILITY:** A use licensed by the Pennsylvania Department of Health devoted exclusively to providing compassionate comfort and care for people facing a terminal illness.

**JUNKYARD (See also VEHICLE WRECKING YARD):** A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold. An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

**NO-IMPACT HOME BASED BUSINESS:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic,

whether vehicular or pedestrian, pick up, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

**OCCUPANCY PERMIT:** *(this definition is eliminated)*

**PORCH:** A roofed structure projecting from the front, side, or rear wall of the principal building.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For flood plain management purposes, a walled and roofed building, a gas or liquid storage tank, that is principally above ground, and manufactured homes.

**TEMPORARY USE:** A use that does not continue for more than six consecutive months without written approval by the Zoning Officer.

**VEHICLE WRECKING YARD** (See also **JUNKYARD**): The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a vehicle wrecking yard.

**WINDOW SIGN:** Signs or lettering that adhere to a windows surface, and do not project out from the windows surface by more than one inch.

**Section III.** Article 3 of the Guilford Township Zoning Ordinance entitled "District Use Regulations", Section 3.1 entitled "(AR) Agricultural Residential District", Items A.3.e and A.7 entitled "Permitted Uses" shall be amended, and Items A.21, A.22, and A.23 entitled "Permitted Uses" shall be added in their respective entirety and read as follows:

**3.1.A.3 Farm Market** located on the same property as the principal farming operation and which serves as an outlet for local farm products and related goods which are supplementary and compatible subject to the following:

- a. The Farm Market building shall be set back a minimum of fifty (50) feet from all property lines and rights-of-way lines.
- b. The Farm Market building shall be of one story and shall not exceed three thousand (3000) square feet of floor area.
- c. One (1) parking space shall be provided for each two hundred (200) square feet of retail floor area.
- d. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
- e. Signs may be installed in accordance with Zoning Ordinance section 6.4.4.

### **3.1.A.7 Schools**

#### **3.1.A.21 Essential Services**

#### **3.1.A.22 No-Impact Home Based Businesses**

#### **3.1.A.23 Hospice Facility**

**Section IV.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.2 entitled “(R) Residential District”, Item A.11 entitled “Permitted Uses”, shall be amended, and Items A.12, and A.13 entitled “Permitted Uses”, shall be inserted in their respective entirety and read as follows:

#### **3.2.A.11 Schools having a minimum setback of fifty (50) feet from all property lines**

#### **3.2.A.12 Essential Services**

#### **3.2.A.13 No-Impact Home Based Businesses**

**Section V.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.3 entitled “(C) Commercial District”, Item A.22 entitled “Permitted Uses”, shall be amended, and Items A.31 and A.32 entitled “Permitted Uses”, shall be inserted in their respective entirety and read as follows:

#### **3.3.A.22 Educational and related facilities not meeting the requirements of a “SCHOOL” as defined herein.**

#### **3.3.A.31 Essential Services**

#### **3.3.A.32. No-Impact Home Based Businesses**

**Section VI.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.3 entitled “(C) Commercial District”, Item C entitled “Minimum Lot Size and Related Standards”, shall be amended in its respective entirety and read as follows:

#### **3.3.C. Minimum Lot Size and Related Standards: Unless specified elsewhere in this Ordinance, the minimum standards shall apply, and no buildings or structures shall encroach into the minimum required yard areas:**

**Section VII.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.4 entitled “(I) Industrial District”, Item A.21 entitled “Permitted

Uses”, shall be amended and Items A.28 and A.29 entitled “Permitted Uses”, shall be inserted in their respective entirety and read as follows:

**3.4.A.21 Wholesale businesses, welding shops, warehouses, including Mini-Warehouses as provided in Section 3.3.B.2, and cold storage plants.**

**3.4.A.28 Essential Services**

**3.4.A.29 No-Impact Home based Businesses**

**Section VIII.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.4 entitled “(I) Industrial District”, Item C entitled “Minimum Lot Design Requirements”, shall be amended in its respective entirety and read as follows:

**C. Minimum Lot Design Requirements:**

<b>Lot Area</b>	<b>40,000 sq. ft.</b>
<b>Lot Width</b>	<b>150 feet</b>
<b>Lot Coverage (Maximum)</b>	<b>70%</b>
<b>Height (Maximum)</b>	<b>50 feet*</b>
<b>Front Yard</b>	<b>50 feet</b>
<b>Side Yard (Each)</b>	<b>25 feet</b>
<b>Rear Yard</b>	<b>35 feet</b>

**\*No building shall exceed a height of fifty (50) feet and for each foot that a building exceeds a height of thirty-five (35) feet the setback requirements shall be increased one (1) foot.**

**No buildings or structures shall encroach into the minimum required yard areas.**

**Section IX.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.5 entitled “(C/I) Commercial/Industrial District”, Items A.19 and A.20 entitled “Permitted Uses”, shall be added in their respective entirety and read as follows:

**19. Essential Services**

**20. No-Impact Home Based Businesses**

**Section X.** Article 3 of the Guilford Township Zoning Ordinance entitled “District Use Regulations”, Section 3.5 entitled “(C/I) Commercial/Industrial District”, Items B.1.b.(1) and (2) entitled “Development Standards”, shall be amended and Item B.1.b.(3) entitled “Development Standards”, shall be added in their respective entirety and read as follows:

### **3.5.B Development Standards**

#### **1. Setback Requirements**

- a. **Perimeter Street Setbacks:** No structure shall be located closer than seventy-five (75) feet to an existing public street right-of-way. No structure shall be located closer than fifty (50) feet from an internal access drive (public or private street) serving the development site.
- b. **Side and Rear Property Line Setbacks:**
  - (1) A minimum side and rear yard setback of one hundred (100) feet shall be required from any property line that is common with or adjacent to a R - Residential District boundary.
  - (2) A minimum side and rear yard setback of fifty (50) feet shall be required from a property line that is common with or adjacent to a non-residential district.
  - (3) No buildings or structures shall encroach into the minimum required yard areas.

**Section XI.** Article 5 of the Guilford Township Zoning Ordinance entitled “Off-Street Parking”, Section 5.2 entitled “Facilities Required”, Item 13 shall be inserted in its respective entirety and read as follows:

#### **5.2.13 Hospice Facility**

**4 spaces per patient bed**

**Items previously numbered 13 through 24, will be renumbered 14 through 25.**

**Section XII.** Article 5 of the Guilford Township Zoning Ordinance entitled “Off-Street Parking”, Section 5.3 entitled “Location and Management Requirements”, Items 8.b. (1) and (2) shall be amended in their respective entirety and read as follows:

#### **5.3.8 Location Of Spaces.**

- a. **Single and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.**
- b. **Parking spaces for multiple dwelling buildings, commercial, industrial, and other non-residential uses shall be readily accessible to the buildings served thereby. Such spaces shall be in the same zoning district, as the principal building, or open area, and conform to the following regulations:**
  - (1) **The required parking spaces shall be located within six hundred (600) feet of the principal building or open space in question.**



- (2) The applicant for a use or building permit shall submit, with his application, an instrument duly executed and acknowledged, which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the office of the Recorder of Deeds.

**Section XIII.** Article 6 of the Guilford Township Zoning Ordinance entitled "Signs", Section 6.2 entitled "Prohibited Signs", shall be amended in its respective entirety and read as follows:

#### **SECTION 6.2 PROHIBITED SIGNS:**

**The following signs shall not be permitted, erected, or constructed in any zoning district.**

- 1. Signs advertising activities that are illegal under Federal, State or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.**
- 2. Signs which by reason of size, location, movement, content, coloring or manner of illumination, obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.**
- 3. Signs which make use of words such as "stop", "look", "one-way", "danger", "yield", "go slow", "caution", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic, or which imitate an official traffic sign or signal.**
- 4. Signs which advertise an activity, business, product or service no longer produced or conducted. In such case, such sign shall be removed after the same is no longer produced or conducted.**
- 5. Signs which are placed or located within the public right-of-way.**
- 6. Signs which obstruct free ingress to, or egress from a fire escape, door, window, or other exit way.**
- 7. Signs which are structurally unsafe or in a state of disrepair.**

**Section XIV.** Article 6 of the Guilford Township Zoning Ordinance entitled "Signs", Section 6.3 entitled "Incidental Signs", Items 10, 11, and 15 shall be amended in their respective entirety and read as follows:

**6.4.10 Signs advertising the sale or brand of farm products, excepting Farm Markets as defined in Section 3.1.A.3, when permitted by this Ordinance provided:**

- a. The size of any such sign is not in excess of six (6) square feet.
- b. Not more than two (2) signs are used.

**6.4.11 Notwithstanding any other limitation or regulation of this Ordinance, one (1) sign not larger than two (2) square feet, showing only the location, identity, name or office hours of business or professional offices, where such offices are permitted by the terms of this Ordinance, may be erected within any yard of the premises occupied by such offices.**

**6.4.15 Off-premises advertising signs when affixed to the fence defining the interior space of baseball, softball, football, or soccer fields, or similar recreational fields subject to the following standards and those applicable standards in Section 6.6 and elsewhere in this Ordinance.**

- a.) No sign shall exceed a size of thirty-two (32) square feet or a dimension of four (4) feet by eight (8) feet.
- b.) No sign shall be directly illuminated.
- c.) Only the side of the sign that is displayed to the interior of the playing field shall bear advertising.

**Section XV.** Article 6 of the Guilford Township Zoning Ordinance entitled "Signs", Section 6.4 entitled "Business Identification Signs" shall be amended in its respective entirety and read as follows:

#### **SECTION 6.4 BUSINESS IDENTIFICATION SIGNS:**

The following types of signs, bearing the name of the occupant and products manufactured or services provided, sold or displayed may be erected and maintained on the premises in any district where such activities are permitted as an accessory structure or use, subject to the following regulations:

1. One free-standing sign per public roadway frontage not to exceed one hundred (100) square feet in surface area, and no dimension of the sign surface shall exceed eighteen (18) feet.
2. In addition, one of the following types of sign may also be erected per public roadway frontage:

- a. One wall sign to a business unit, provided it is attached to the wall of the building and projects horizontally not more than twelve (12) inches therefrom, provides not less than eight (8) feet of clearance beneath it, and occupies a sign surface area not more than twenty percent (20%) of the total area of the front portion of the building face assigned to the business unit. It shall not project above the building roof line or parapet wall, or;
  - b. One projecting sign to a business unit, provided it is attached to the wall of the building, provides not less than eight (8) feet of clearance beneath it, contains a sign surface area not to exceed fifteen (15) square feet with no dimension exceeding six (6) feet, and shall not project above the building roof line or parapet wall.
3. Related business signs (e.g. office or professional service, real estate, apartments, etc.) identifying the business and service, or the apartment name shall not exceed an area of twenty-five (25) square feet.
4. Signs identifying businesses in non-conforming structures and the non-conforming use of land shall not exceed twenty (20) square feet in area.
5. Multiple Tenant Signage – Where a property is occupied by multiple tenants such as a shopping center, office park, or industrial complex, one free standing sign per access road frontage shall be permitted for the purpose of announcing the name of the multiple tenant facility and the occupants therein. Such sign shall be a maximum of 300 square feet in size.

**Section XVI.** Article 6 of the Guilford Township Zoning Ordinance entitled “Signs”, Section 6.5 entitled “Off-Premises Advertising Signs”, Items 1, 4, 5, and 6 shall be amended in their respective entirety and read as follows:

**6.5.1** A lease or other acceptable form of agreement to erect the sign is received from the property owner.

**6.5.4** No such sign shall be permitted on or within two hundred (200) feet of the nearest property or lot line of the premises containing a unified, integrated shopping center, office park complex, or industrial park complex.

**6.5.5** In the C - Commercial District, off-premises advertising signs shall be no closer than one thousand five hundred (1500) feet from any other off-premise advertising sign. No sign shall exceed twenty (20) feet in vertical measurement.

**6.5.6** In the C/I – Commercial / Industrial District and the I -

**Industrial District, off-premise advertising signs shall be no closer than seven hundred fifty (750) feet from any other off-premise advertising sign. No sign shall exceed a vertical measurement of twenty (20) feet.**

**Section XVII.** Article 6 of the Guilford Township Zoning Ordinance entitled “Signs”, Section 6.6 entitled “General Requirements for Signs”, Items 1.a, 1.d, 1.g, 2.b, and 3.a shall be amended in their respective entirety and read as follows:

**6.6.1.a In addition to the other requirements of this Article and, in compliance with other applicable codes and ordinances, every sign must be constructed of durable materials, kept in good repair, and maintained so as not to become a threat to the public’s welfare.**

**6.6.1.d All signs shall be removed after the circumstances leading to their erection no longer apply.**

**6.6.1.g If the Zoning Officer finds that any sign is unsafe, insecure or a menace to the public or had been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after receipt of such notice, the Township may proceed to remove or alter such sign so as to comply and charge the expense thereof to the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure which is causing immediate peril to persons or property to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five (5) days after the date of such removal.**

**6.6.2.b After the sign has been erected, moved or altered, as authorized by the permit, the applicant shall notify the Zoning Officer.**

**6.6.3.a Window Signs**

**Section XVIII.** Article 7 of the Guilford Township Zoning Ordinance entitled “Supplementary Regulations”, Section 7.2 entitled “Accessory Building/Structure Regulations”, Items A, B, C, D, E, and F shall be amended in their respective entirety and read as follows:

## **SECTION 7.2 ACCESSORY BUILDING/STRUCTURE REGULATIONS**

**A. In the R - Residential District and the AR – Agricultural / Residential**

District an accessory building or accessory structure may be located in any required side or rear yard provided:

1. Such accessory building or accessory structure shall not exceed one story or be more than twenty (20) feet in height.
  2. Such accessory building or accessory structure shall be set back five (5) feet from any lot line.
  3. All such accessory buildings or accessory structures in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard where it is located.
- B. Accessory buildings or accessory structures constructed at the same time may be located in pairs or groups on contiguous lots in the required rear or side yard along the common side lot line or rear lot line.
- C. In the I – Industrial District, the C – Commercial District, and the CI – Commercial / Industrial District accessory buildings or accessory structures shall be located no closer than ten (10) feet to any side or rear property line.
- D. When an accessory building or accessory structure is attached to the principal building it shall comply with all respects with the requirements of this Ordinance applicable to the principal building.
- E. An accessory building or accessory structure on that portion of a lot not included in any required yard shall conform to the height regulations for principal buildings.
- F. No accessory building or accessory structure shall project nearer to the street on which the principal building fronts than the minimum building setback distance for the principal building.

**Section XIX.** Article 7 of the Guilford Township Zoning Ordinance entitled “Supplementary Regulations”, Section 7.3 entitled “Agricultural and Related Use Regulations”, Items B.4 and B.5 shall be amended in their respective entirety and read as follows:

**7.3.B.4** The heating plant of a commercial greenhouse shall not be located within one hundred (100) feet of any lot line.

**7.3.B.5** Buildings used for dog kennels and animal hospitals, including exercise yards, shall not hereafter be erected within one hundred (100) feet of any off-premise dwelling.

**Section XX.** Article 7 of the Guilford Township Zoning Ordinance entitled “Supplementary Regulations”, Section 7.5 entitled “Home Occupations and No-Impact

Home based Businesses”, Items D and F are amended and Item H is inserted in their respective entirety and read as follows:

**7.5.D The home occupation whether located in the principal dwelling and/or an accessory building there to, shall not occupy a total space of more than thirty percent (30%) of the floor area of the principal dwelling.**

**7.5.F A home occupation may include: craft shops; art studios; dressmaking or millinery; barbershop; beauty parlor; teaching; music or dance instruction limited to three pupils at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; home telephone sales; or any other activities of a similar nature.**

**7.5.H A No-Impact Home Based Business as defined herein shall be permitted when in compliance with the following requirements set forth in The Act:**

- 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. The business may not involve any illegal activity.**

**Section XXI.** Article 7 of the Guilford Township Zoning Ordinance entitled “Supplementary Regulations”, Section 7.7 entitled “Yard and Lot Regulations”, Item C.3 shall be amended in its respective entirety and read as follows:

**7.7.C.3 For single-family dwellings and carports, patios and open porches may be located in the side and rear yards, but no closer than five (5) feet to any adjacent property line. If located closer than ten (10) feet to any adjacent property line, they shall be screened in accordance with the provision of this Ordinance. In the case of a**

**corner lot, no carports, patios, or open porches shall extend into the required yard adjoining each street.**

**Section XXII.** Article 7 of the Guilford Township Zoning Ordinance entitled “Supplementary Regulations”, Section 7.13 entitled “Temporary Uses”, Item A shall be amended and Item D inserted in their respective entirety and read as follows:

#### **SECTION 7.13 TEMPORARY USES**

**Upon application to the Township, a temporary use may be granted for the following subject to terms and conditions established by the Township in keeping with the spirit, intent, and objectives of this Ordinance:**

- A. Temporary amusement parks, expositions, and carnivals.**
- B. Temporary housing and shelter caused by damage to source of principal occupancy.**
- C. Temporary signage for temporary uses.**
- D. Temporary housing for seasonal agricultural laborers in compliance with 29 CFR (Code of Federal Regulations) Part 500, the U.S. Citizenship and Immigration Services (USCIS), and Pennsylvania Code; Chapter 82, as amended, is permitted at the following locations:**
  - 1. The C – Commercial Zoning District.**
  - 2. On property that is used for agricultural purposes, provided the proposed temporary housing structure is at least one hundred (100) feet from any residentially occupied structure on an adjoining property.**
  - 3. On a property that adjoins property being used for agricultural purposes, provided the proposed temporary housing structure is at least one hundred (100) feet from any residentially occupied structure on property not used for agricultural purposes.**

**Section XXIII.** Article 8 of the Guilford Township Zoning Ordinance entitled “Specific Criteria”, Section 8.11 entitled “Small Business Services and Craft Industries”, Items 2 through 7 shall be amended in their respective entirety and read as follows:

#### **SECTION 8.11 SMALL BUSINESS SERVICES AND CRAFT INDUSTRIES**

**Within the (AR) Zone small business services and craft industries are permitted as a special exception, subject to the following:**



1. Such small business services or craft industries shall be related to the principal agricultural character and shall primarily serve the surrounding agricultural community or reflect crafts and products reflective of the agricultural community.
2. No more than the equivalent of two (2) full-time nonresidents shall be employed by the business or industry, and at least one (1) owner/operator of the business or industry must reside on the site.
3. The use must be conducted within one (1) completely enclosed building. Where practicable the business or industry shall be conducted within an existing farm building. However, any new building constructed for business or industry use shall be no less than one hundred (100) feet from any adjoining roads or properties.
4. Any new building constructed for business or industry use shall be of a design so that it can be readily converted to agricultural use, or removed, if the business or industry is discontinued.
5. No part of a business or industry shall be located within one hundred (100) feet of any side or rear lot line.
6. The business or industry shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the business or industry and the residence shall not be calculated as land serving the business or industry.
7. No more than fifty percent (50%) of the land devoted to a business or industry shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.

**Section XXI.** Article 9 of the Guilford Township Zoning Ordinance entitled "Nonconforming Buildings and Uses", Section 9.2 entitled "Continuation" shall be amended in its respective entirety and read as follows:

#### **SECTION 9.2 CONTINUATION:**

**The Zoning Officer may on a continuing basis or at the request of a property owner identify and register nonconforming uses, structures, and lots together with the reasons why the Zoning Officer identified them as nonconforming.**

**Section XXV.** Article 10 of the Guilford Township Zoning Ordinance entitled "Zoning Hearing Board", Section 10.3 entitled "Expenditures for Services", Section 10.6 entitled "Parties Appellant Before the Board", Section 10.7 entitled "Time Limitations", and Section 10.8 entitled "Stay of Proceedings" shall be deleted; and Section 10.4 entitled



“Hearings” shall be renumbered 10.3 and amended in its respective entirety and read as follows, Section 10.5 entitled “Board’s Functions” shall be renumbered 10.4 and renamed “Board’s Jurisdiction” and amended in its respective entirety and read as follows, Section 10.5 entitled “Effects of Board’s Decisions” shall be inserted, and Section 10.9 entitled “Appeal” shall be renumbered 10.6 and amended in its entirety and read as follows:

#### **SECTION 10.3 HEARINGS:**

- A. The Board shall provide public notice, conduct hearings and render decisions all in accordance with the applicable provisions of “The Act”.**
- B. The Board of Supervisors may prescribe reasonable fees that are established by resolution, which may be revised from time to time, with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.**

#### **SECTION 10.4 BOARD’S JURISDICTION:**

**The Zoning Hearing Board shall have the exclusive jurisdiction in accordance with “The Act” to hear and render decisions in the following matters:**

- A. Substantive Challenges to the Validity of the Zoning Ordinance.**
- B. Procedural Challenges to the Validity of the Zoning Ordinance.**
- C. Special Exceptions.**
- D. Variances.**
- E. Appeals from the determination of the Zoning Officer.**
- F. Appeals from a determination by a municipal engineer or the Zoning Officer regarding any provision within the Floodplain Area Regulations.**
- G. Appeals from the determination of the Zoning Officer or municipal engineer regarding any land use Ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development.**

- H. Any other matter that is within the jurisdiction of the Hearing Board as provided by "The Act".

#### **SECTION 10.5 EFFECTS OF BOARD DECISIONS:**

- A. If the variance or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
- B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;
- C. Should the appellant or applicant commence construction or alteration within said two (2) year period, (if the variance or special exception is granted or the issuance of a permit is approved) but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and
- D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed herein. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite timeframe for (1) issuance of a zoning permit, and (2) completion of construction of the project.

## **SECTION 10.6 APPEAL**

**Any person, taxpayer, or the Township aggrieved by any decision of the Board, or the Board of Supervisors, may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X A of "The Act" as amended.**

**Section XXVI.** Article 11 of the Guilford Township Zoning Ordinance entitled "Administration", Section 11.1 entitled "Administration and Enforcement", Items A.2.A and A.2.D entitled "Duties", shall be amended in their respective entirety, and Items B, C, D, and E shall be deleted. Section 11.2 entitled "Permits", Items A.1, A.2, and A.15 entitled "General Requirements for Zoning Permits", shall be amended in their respective entirety and read as follows, and Items A.7 through A.11, Item A.16, and Items B and C shall be deleted. Item D entitled "Certificate of Use and Occupancy" shall be renamed "Certificate of Use and Compliance" and amended in its respective entirety and read as follows. Section 11.4 entitled "Amendments"; Section 11.5 entitled "Conditional Uses" shall be amended in its respective entirety and read as follows:

### **SECTION 11.1 ADMINISTRATION AND ENFORCEMENT**

#### **A. Administration:**

- 1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his Assistant, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.**
- 2. Duties - The duties of the Zoning Officer shall be to administer and enforce the Zoning Ordinance in accordance with "The Act" and the Job Description adopted by the Board of Supervisors as amended from time to time and:**
  - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance:**

- B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;**
- C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;**
- D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record;**
- E. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;**
- F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;**
- G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community Affairs;**
- H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration);**
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act; and**
- J. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law.**

## **SECTION 11.2 PERMITS**

### **A. General Requirements for Zoning Permits:**

- 1. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance;**
- 2. Application for zoning permits shall be made to the Zoning Officer on official forms established by the Township;**
- 3. Such zoning permits shall be granted or refused within thirty (30) days from date of application;**
- 4. No zoning permit shall be issued except in conformity with:**
  - A. All applicable regulations of this Ordinance;**
  - B. Any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors; and**
  - C. Any recorded subdivision or land development plan;**
- 5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied;**
- 6. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application;**
- 7. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may**

be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer;

8. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board;

9. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan;

10. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conducting of other site improvements.

**B. Certificate of Use and Compliance:**

1. It shall be unlawful to use and/or occupy any structure, building, sign, and or land or portion thereof for which a zoning permit is required herein until a Certificate of Use and Compliance for such structure, building, sign, and or land or portion thereof has been issued by the Zoning Officer.

2. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Compliance for the intended use listed in the zoning permit application.

3. The Certificate of Use and Compliance or a true copy thereof shall be kept available for official inspection at all times.

4. Upon request of a holder of a zoning permit, the Zoning Officer may issue a Temporary Certificate of Use and Compliance for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a Temporary Certificate of Use and Compliance for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar

temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

### **SECTION 11.3 FEES**

**Determination** - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

### **SECTION 11.4 AMENDMENTS**

**Power of Amendment** - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Committee, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party. All Hearings, Notices, Referrals and Procedures shall be in accordance with "The Act".

### **SECTION 11.5 CONDITIONAL USES**

- A. **Filing of Conditional Use** – For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors by demonstrating compliance with the applicable provisions of the Ordinance.
- B. **Conditions** - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.
- C. **Site Plan Approval** - Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning



permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

**D. Hearing Procedures:**

The Board may establish procedures for hearings in addition to those set forth in "The Act". Reasonable fees will be assessed per fee schedule which will be revised from time to time by resolution of the Supervisors.

**E. Time Limitation:**

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in these sections. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.



Section XXVII. Repealer. All provisions of previous ordinances of Guilford Township, or parts thereof, which are contrary or inconsistent to this Ordinance, are expressly repealed.

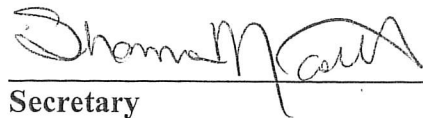
Section XXVIII. Savings Clause. In all other respects, the provisions of the Township of Guilford Zoning Ordinance shall remain as previously enacted and ordained.

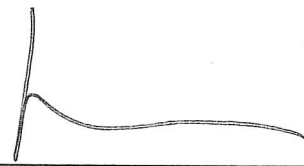
Section XXIX. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

Section XXX. Effective Date. This Ordinance shall be effective five days after its enactment and shall remain in force until modified or rescinded by Guilford Township, Franklin County, Pennsylvania.

ENACTED AND ORDAINED THIS 20<sup>th</sup> DAY OF December, 2018 by the Board of Supervisors of Guilford Township, Franklin County, Pennsylvania in lawful session duly assembled.

ATTEST:

  
Secretary

  
Don Clapper, Chairman

