

Chapter 240

ZONING

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[HISTORY: Adopted by the Board of Supervisors of the Township of Richland 4-20-2001 by Ord. No. 276. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 42.
Building construction — See Ch. 96.
Fire prevention — See Ch. 134.
Floodplain management — See Ch. 138.

Property maintenance — See Ch. 186.
Sewers - See Ch. 198.
Soil erosion and grading — See Ch. 204.
Subdivision and land development — See Ch. 215.

ARTICLE I Preliminary Provisions

§ 240-1. Enacting clause.

Be it ordained and enacted by the Richland Township Supervisors assembled, and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this chapter the several classes of districts specified herein shall be established and the following regulations shall be in full force and effect.

§ 240-2. Short title.

This chapter shall be known and may be cited as the "Richland Township Zoning Ordinance," and the official map referred to herein and made a part of this chapter shall be known as the "Richland Township Zoning District Map."

§ 240-3. When effective.

The effective date of this chapter shall be five days after the date of its signature of approval by the Supervisors.

§ 240-4. Interpretation.

In the interpretation and application of the provisions of this chapter, said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare and safety. Where the provisions of this chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling.

§ 240-5. Severability.

If any article, section, subsection, paragraph, clause or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole or of any other part.

§ 240-6. Purposes and community development objectives.

- A. This chapter is enacted under and pursuant to the Municipalities Planning Code, Act 247 of 1968,¹ as amended, 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, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading spaces, transportation, water, sewerage, schools, public grounds and other public requirements.
 - (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be 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.
 - (3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
- B. The above is in accordance with the Comprehensive Plan for Richland Township which sets forth the community development objectives for Richland Township.
- C. The regulations and districts contained herein represent reasonable consideration as to the character of the districts and their peculiar suitability for particular uses of land. These

1. Editor's Note: See 53 P.S. § 10101 et seq.

provisions have been drawn with a view to preserving the existing environment and assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

§ 240-7. Filing.

This chapter, including the Zoning District Map, together with succeeding amendments thereto, shall be on file and may be viewed by any interested party in the township office.

ARTICLE II Rules and Definitions

§ 240-8. Rules.

The following rules of construction shall apply to this chapter:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and/or "occupied for."
- F. The word "structure" shall include the word "building."

§ 240-9. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDINGS OR ACCESSORY USE — A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. For the purposes of this section, a trailer, van or any vehicle which was transported to a site cannot be used as an accessory building. An accessory use includes, but is not limited to, the following:

- A. Children's playhouse, garden house, doghouse or private greenhouse.
- B. Garage, shed or building for domestic storage.

- C. Storage of merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations.
- D. Off-street motor vehicle parking area; loading and unloading facility.
- E. Home occupation.

AIRPORT (and definitions related thereto) — See Article XIII.

ALLEY — A service way at least 15 feet wide, providing a secondary public means of access to abutting properties.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height or the moving from one location to another, or any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building such as bearing walls, columns, beams, girders or foundations.

APARTMENT — A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities permanently installed.

APARTMENT HOTEL — A building consisting of guest rooms, suites of rooms or dwelling units which are occupied more or less permanently wherein the occupants are furnished so-called hotel services, including dining room and mail service.

APARTMENT HOUSE — A building used by three or more families living independently of each other and containing dwelling units.

AREA, BUILDING — The total of areas taken on a horizontal plane at the main level of the principal building exclusive of uncovered porches, terraces, steps, garages and other accessory buildings.

AUTOMOBILE REPAIR, MAJOR — Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting of vehicles.

AUTOMOBILE REPAIR, MINOR — Incidental repairs; replacement of parts; motor service to automobiles; state inspection; but not including any operation specified under automobile repair, major above.

BASEMENT — A substructure for a main building partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BED-AND-BREAKFAST — The provision of overnight accommodations for transient guests on a daily or weekly basis as an accessory use to a residence. The owner of the dwelling must live on the premises, and food service shall be provided for guests only.

BILLBOARD — A structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured or other matter which directs attention to any product, commodity or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

BOARD OF SUPERVISORS — The duly elected/appointed Supervisors of Richland Township.

BUFFER PLANTING STRIP — A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this chapter, which is landscaped for the full width (or as otherwise specified) and on which is located a screen of sufficient density not to be seen through and of sufficient height to constitute an effective screen and give immediate visual screening to an abutting property or district. The required screen shall be permanently maintained and shall constitute a planting of dense evergreens or a compact evergreen hedge or, where otherwise specifically designed, an appropriate wall, fence, suitable planting, natural vegetation, or combination thereof. All planting shall comply with the provisions of the Township of Richland Subdivision and Land Development Ordinance,² if such ordinance provides for the same.

BUILDING — A structure having a roof supported by columns or walls for the shelter of persons, animals, chattels or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered a separate building.

BUILDING AREA — The aggregate of the maximum horizontal cross section areas, excluding steps, cornices, eaves and gutters, of all buildings on a lot.

BUILDING HEIGHT — 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.

BUILDING LINE — A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard or setback required for the district in which the lot is located, except in the case of an interior lot not fronting on a street or highway for its full width, in which case the building line shall be a line parallel to the right-of-way at a distance from the property line nearest to the highway or street equal to the depth of the front yard required for the district in which the lot is located. If the property or lot abuts more than one street or highway, the front of the lot shall, in the case of an existing building, be deemed to be that part or portion of the lot toward which the main entrance of the building faces and, in the case of a building proposed to be constructed, the part or portion of that lot toward which the main entrance of the building is proposed to face.

BUILDING PERMIT — An official document or certificate issued by the Codes Enforcement Officer or agency appointed by the township, pursuant to the Richland Township BOCA Building Codes, as amended, authorizing the construction of a specific building or structure or performance of a specific activity.

2. Editor's Note: See Ch. 215, Subdivision and Land Development.

CELLAR — An unfinished structure having one-half or more of its height below the average grade of the adjoining ground. In a dwelling, a cellar may not contain living quarters.

COVERAGE — That percentage of the lot area covered by the building area.

CURB, RAISED —

A. Standard eight inches by 18 inches concrete curbs.

- (1) The standard concrete curb shall be constructed with PennDot Class A cement concrete and shall be a minimum of eight inches thick and 18 inches high with a minimum of 10 inches below grade, except the top eight inches shall be seven-inches thick to permit rolling.
- (2) The top of the curb shall be 2 inches higher than the finish grades at the center line of the street. Approved forms shall be used and, when completed, the curbs shall be in a neat and finished condition.
- (3) The curbs shall be constructed in accordance with a standard detail plan prepared by Richland Township and shall conform to Section 630 of Form 408, Pennsylvania Department of Transportation-Specifications, latest edition.

B. Integral cement concrete curbs and gutters. The integral cement concrete curb and gutter shall be constructed with PennDot Class A cement concrete and shall be constructed in accordance with a standard detail prepared by Richland Township and shall conform to Section 631 of Form 408, Pennsylvania Department of Transportation-Specifications, latest edition. The top of the curb shall be two inches lower than the finish grade at the center line of the street. When completed, the integral curbs shall be in a neat and finished condition.

C. State highway curbs. When located on a state highway, the concrete curbs and gutters shall conform to the types as permitted in Form 408, Pennsylvania Department of Transportation- Specifications, latest edition, which is incorporated herein by reference. However, at no time shall bituminous concrete curbs be permitted.

DISTRICT, ZONING — A section of the township for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

DORMITORY — A building designed or used exclusively or primarily for the housing of students of an educational institution, faculty, staff and paying and nonpaying guests utilizing university facilities for university-sponsored or university-supported activities, which buildings are owned by the educational institution. The term "dormitory" shall include, but shall not be limited to, fraternity and sorority houses.

DWELLING — A building designed or used exclusively as the living quarters for one or more families.

DWELLING GROUP — A group of two or more one-family, two-family or multiple-family dwellings occupying a lot in one ownership and having a yard in common.

DWELLING, MULTIPLE-FAMILY — A dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities, or both.

DWELLING, MULTISTORY MULTIPLE-FAMILY — A multiple-family dwelling of more than three stories.

DWELLING, ONE-FAMILY — A detached building designed for or occupied exclusively by one family.

DWELLING, ROW — A multiple-family dwelling divided by party walls into distinct and noncommunicating units, each dwelling unit of which has direct access to the outdoors.

DWELLING, TWO-FAMILY — A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances.

DWELLING UNIT — A building or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit and having no cooking or sanitary facilities in common with any other dwelling unit.

FAMILY — One or more persons related by blood, marriage or adoption or three unrelated persons living as a household in a dwelling unit, except as modified by the Federal Fair Housing Amendments Act of 1988. Family may also include domestic servants and gratuitous guests.

FLOOR AREA — The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the floor area of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one-half feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies and hallways. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein and fitting and dressing rooms.

FLOOR AREA RATIO (FAR) — The total floor area of the building or buildings on a lot divided by the area of such lot, or in the case of group dwellings or multiple dwelling plan, by the net site areas.

GARAGE, PRIVATE — An accessory building, housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GARAGE, PUBLIC — A building, not a private garage, used for the repair, servicing and/or storage of motor vehicles, but not to include a marshaling yard, trucking facility or facility for the storage and repair of earth moving or construction equipment.

GROUP HOME — Group home facilities are hereby deemed as a type of residential use and not as an institutional use. Regulations are adopted in the interest of protecting the residents of such facilities, to ensure the residential character of the structure and of the surrounding

neighborhood and to prevent other types of facilities (specifically nonvoluntary and penal living arrangements) which are likely to be disruptive to the residential character of the neighborhood from being classified as a group home.

HABITABLE LIVING AREA — The floor area of a building or structure which is furnished to the extent that it is customarily occupied by residents or users of the buildings or structure.

HOME OCCUPATIONS —

A. HOME BUSINESS:

- (1) An accessory use of a service character within a dwelling by residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, measuring not more than 144 square inches and in connection therewith there is not involved the exhibition of stock in trade. The secondary use shall not be carried on in an adjacent separate, attached or integral structure not designed for living space such as a garage or other out building, shall not constitute more than 25% of the habitable living area and shall not employ more than one other person other than resident family members.
- (2) A home business shall be permitted by special exception according to the criteria stated in § 240-104I. Instructions in violin, piano or other musical instruments limited to a single person at a time shall be deemed a home business. The business of dressmaker, seamstress or other persons who offer skilled services to clients, clergyman, tax preparer, consultant, writer and similar professions shall be deemed a home business. The following are not permitted as home businesses: dancing instruction, band instrument instructions in groups, tourist homes, real estate offices, physicians, dentists, architects, attorneys or any other professional, convalescent homes, mortuary establishments, stores, trades or auto body workshops.

B. HOME OFFICE — An accessory use of a service character within a dwelling by the residents of the structure which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any evidence of such secondary use. A limited business or commercial activity which meets all of the following criteria is considered a home office and is permitted by approval by the Zoning Officer in any dwelling unit:

- (1) No exterior evidence (e.g., noise, light, heat, dust, odor, signs, electromagnetic interference, etc.) of the home office shall be permitted that is uncharacteristic of a residential setting.
- (2) No retail sales or display of goods, exclusive of telephone, Internet or other electronic network solicitation, is permitted.
- (3) No on-site storage of commercial vehicles shall be permitted, except as may be provided under Article XI, § 240-110A.
- (4) Only residents of the dwelling may be engaged in the home office activity.

- (5) The home office activity may be conducted only within the dwelling unit and may not occupy more than 10% of the habitable floor area.
- (6) The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks
- (7) The use shall not involve regular visitations by customers, clients, salespersons or suppliers.

HOSPITAL — Includes sanitarium, sanatorium, preventorium, clinic for the diagnosis, treatment or other care of human ailments and shall be deemed to be limited to such places. This term shall also include the term "medical facility."

HOTEL — A building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours and which is open to transient quests, in contradistinction to a boardinghouse, lodging house or rooming house.

HOTEL, MOTOR — A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either through an inside lobby or office supervised by a person in charge at all times or directly from the exterior.

LOADING SPACE — A space within a main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

LOT — A parcel of land on which a principal building or, where authorized by this chapter, a unified group of buildings are or may be placed, together with the required open space. The use of a lot for more than one principal building shall be considered a subdivision, and the use of a lot for a unified group of buildings shall be considered a land development; the plan for any such use shall be subject to approval in accordance with the Township of Richland Subdivision and Land Development Ordinance.³ For the purposes of these definitions, unified group of buildings shall include a single commercial building designed to house more than one commercial use or entity and shall include also a multidwelling group.

LOT, CORNER — A lot at the point of intersection of and abutting on two or more intersecting streets and which has an interior angle of less than 135° at the intersection of two street lines.

LOT, DEPTH OF — The mean horizontal distance between the front lot line and the rear lot line, measured midway between the side lot lines.

LOT, INTERIOR — A lot other than a corner lot or a through lot.

LOT LINE, FRONT — In the case of an interior lot, the line separating the lot from the street right-of-way line. In the case of a corner lot, the line separating the narrowest frontage of the lot from the street right-of-way line.

3. Editor's Note: See Ch. 215, Subdivision and Land Development.

LOT, THROUGH — A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT WIDTH — The dimension of a lot, measured between the side lot lines on the building line.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be jointed into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use consisting of two or more mobile home lots.

MOTEL — See "hotel, motor."

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable 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.

NONCONFORMING USE — 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 of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for two or more children of preschool age.

NURSING, REST or RETIREMENT HOMES — Facilities designed for the housing, boarding and dining associated with some level of nursing care.

PARKING LOT — Any lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-family dwelling.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having a width of not less than nine feet and a length of not less than 20 feet, exclusive of passageways and driveways appurtenant thereto, and given access thereto and having direct access to a street, alley, passageway or driveway.

PLANNING COMMISSION — The Planning Commission of Richland Township appointed pursuant to Chapter 42, Planning Commission, of the Richland Township Code.

PUBLIC OR PRIVATE SCHOOLS — Publicly owned elementary, junior high or high schools or privately owned elementary, junior high or high schools having a curriculum similar to that ordinarily given in a publicly owned school, but which may also include religious or other instruction.

RIDING ACADEMY — Any establishment where horses are kept for riding, driving, stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

SELF-SERVICE LAUNDRY — A business that provides home-type washing, drying or ironing machines or dry-cleaning machines for hire to be used by customers on the premises.

SERVICE STATION — A building(s), premises or portions thereof which are used, arranged, designed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft, as well as for minor automobile repair, including state inspection.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, place of adult entertainment, adult theater, escort agency, massage establishment, nude model studio or sexual encounter center, as further defined in Chapter 71, Adult Entertainment, of the Richland Township Code.

SIGN — Any surface, fabric or device bearing lettered, pictorial, sculptured or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information; and any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

SITE PLAN — A drawing prepared to scale which indicates all lot lines, adjacent streets, easements, rights-of-way, the size and location of all buildings, including setbacks, parking areas, driveways, and other prominent features, and a list of all reference drawings with their drawing numbers. The engineering site plan shall be prepared by a registered architect, professional engineer or registered surveyor and approved by the Township Planning Commission in accordance with § 240-19 prior to the start of construction.

STABLE, PRIVATE — An accessory building in which horses are kept for riding, driving, stabling for private use and not for hire or sale.

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

STREET — A public street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians.

STREET LINE — The edge or side limit line of the legal right-of-way of a road or street.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

UNIVERSITY — A publicly or privately owned post-secondary educational institution which offers, at a minimum, bachelor of arts or bachelor of science degrees. The term "university" shall include college.

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

YARD — A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

YARD, FRONT — A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, overhanging eaves or gutters, the depth of which is the least distance between the lot line and the building line.

YARD, REAR — A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than 30% of the space, and steps, walks, terraces, driveways, lampposts, overhanging eaves, gutters, cornices and similar structures and the depth of which is the least distance between the rear lot line and the rear of such building.

YARD, SIDE — A yard between the principal building and the side lot line, extending the full depth of the lot, exclusive of steps, walks, terraces, driveways, lampposts, overhanging eaves, gutters, cornices and similar structures. The width of the required side yard is measured horizontally and at 90° with the side lot line from the nearest part of the principal building.

ZONING ADMINISTRATOR — Under the provisions of this chapter the Zoning Administrator, who shall be appointed by the Township Supervisors, shall administer and enforce this chapter, including the receiving of applications, the inspection of premises and the issuing of permits. The Zoning Administrator may also from time to time be referred to as the "Zoning Officer."

ZONING APPROVAL — A statement issued by and signed by the Zoning Officer authorizing the use or construction of a structure and indicating on its face that the proposed use or structure complies with this chapter or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction, rendered in connection with an application relative to use of the premises involved. No approval shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of required sanitary sewage and water facilities.

ZONING HEARING BOARD — The duly appointed members of the Zoning Hearing Board as created under Article XVI, § 240-99A.

ARTICLE III Establishment of District

§ 240-10. Classes of districts.

For the purposes of this chapter, the Township of Richland is hereby divided into the following classes of Districts:

R-1 District	R-1 One-Family Residential District
R-2 District	R-2 Two-Family Residential District
R-3 District	R-3 Two-Family Residential District
R-4 District	R-4 Multiple-Family Residential District
C-2 District	General Commercial District
C-3 District	Office Commercial District
L-1 District	Light Industrial District
M District	Manufacturing District
A District	Airport District
U District	University District

§ 240-11. Zoning Map

The boundaries of districts shall be as shown on the map attached hereto and made a part of this chapter, which map shall be known as the "Zoning Map of the Township of Richland." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.⁴

§ 240-12. Interpretation of district boundaries.

- A. Where district boundaries are indicated as approximately following the center line of streets, highways, street lines, highway right-of-way lines or streams, such center line shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they approximately follow or are parallel to the center line of streets, highways or the right-of-way of same, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning District Map.
- D. Where the boundary of a district follows a railroad, such boundary shall be deemed to be located in the middle of the main tracks of such railroad.
- E. Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the township, unless otherwise indicated.
- F. Where the boundary of a district traverses a lot, parcel or tract of record, the zoning district designation shall be determined by review of the Zoning Hearing Board as a special exception.

4. Editor's Note: The Zoning Map is on file in the township offices.

§ 240-13. Federal, state, county or municipally owned property.

Wherever federal, state or county owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as is permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania. In the case of municipally owned property, the use provisions of this chapter shall not apply.

§ 240-14. Airport height limitations.

In addition to the classes of districts outlined in § 240-10 of Article III, a special zone limiting height in the vicinity of the Johnstown Cambria County Airport, or its successor, is created by Article XIII of this chapter, and said height limitation zone is superimposed upon the districts created by § 240-10.

ARTICLE IV
General Provisions

§ 240-15. Conformance and permits.

No building or land shall, after the effective date of this chapter, except for existing nonconforming uses, be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district and licenses required by all laws and ordinances.

§ 240-16. Compliance with regulations.

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have a narrower or smaller rear yard, side yard or front yard than is herein specified for the district in which the building is located except as authorized by the Zoning Hearing Board pursuant to Article IX.

§ 240-17. Yards.

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or open space similarly required for another building.

§ 240-18. Substandard dwellings.

- A. No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary or if the premises does not have connection with the municipal sewer system or alternative sanitary sewage facilities approved by the local public health authorities having jurisdiction.

- B. No structure shall be occupied as a dwelling unless said structure is permanently attached to the ground by a permanent foundation or crawl space or permanently attached to an on-grade slab except for mobile homes located in a mobile home park.
- C. No structure shall be used or occupied that is not in conformity with the Richland Township Property Maintenance Code,⁵ as amended, the Richland Township Building Code,⁶ as amended, or the Richland Township Fire Prevention Code,⁷ as amended, or such other building codes as are now or may hereafter be in effect.

§ 240-19. Uses requiring site plan approval.

- A. Zoning approval issued for any purpose specified in § 240-93 in an R-4, U, C, L-1, M or A District shall require site plan approval by the Richland Township Planning Commission except for any of the following:
 - (1) A change from a more restrictive permitted use to a less restrictive permitted use. For purposes of this section, a less restrictive permitted use is sought when the proposed use of the site plan would require less restrictive area and height limitations, parking requirements, storm sewer drainage requirement, and/or floodplain requirements than those limitations and requirements applying to the site use existing at the time of the zoning approval.
 - (2) Signs.
 - (3) Plans for one single-family or one two-family residence.
 - (4) The Zoning Officer shall have discretion to waive the requirement of site plan approval for an addition to an existing structure or the construction of an accessory building where the addition or the accessory building does not exceed 250 square feet. In exercising said discretion, the Zoning Officer shall evaluate the effect of the addition or accessory building considering all relevant factors set forth in Subsection C(1) through (11) below.
- B. Three copies of the site plan and fee as provided for in § 240-95 shall be submitted to the Commission at least seven days prior to the regularly scheduled or special meeting at which it is to be reviewed. The seven-day requirement may be waived by the Planning Commission if a majority of the members present at the meeting agree that they have had sufficient time to review the site plan. All site plans must be approved by a majority of members present, provided that five members must be present to constitute a quorum.
- C. In addition to conforming to any specific requirements set forth in this chapter, the Planning Commission may require changes in the site plan which are deemed necessary to promote orderly development of the area. In addition to specific requirements of the district regulations, the site plan as defined in § 240-9 shall provide for and contain the following:

5. Editor's Note: See Ch. 186, Property Maintenance.

6. Editor's Note: See Ch. 96, Building Construction.

7. Editor's Note: See Ch. 134, Fire Prevention.

- (1) Location of the lot or lots with respect to adjacent streets and property owners.
 - (2) Critical dimensions of setback, yard area, paving, driveways, parking areas, landscape areas and other prominent features.
 - (3) Traffic circulation within the site.
 - (4) Location of vehicular access to the site.
 - (5) The height and bulk of structures.
 - (6) Location and size of signs, walls and fences to be construed on the site.
 - (7) Provisions for storm drainage, including the drainage flow, catch basins size and location of any storm sewers and discharge points from the site in conformity with § 240-26.
 - (8) Connections to all public utilities that are serving the site.
 - (9) Location, size and content of all underground storage tanks.
 - (10) Such additional information as may be required by the Richland Township Floodplain Ordinance,⁸ as amended.
 - (11) Such additional information as may be necessary to determine compliance with Article XIII of this chapter when the site is located in zones surrounding the Johnstown Cambria County Airport or its successors.
- D. In considering any plan hereunder, the Planning Commission shall endeavor to ensure safety and convenience of traffic movement. In this connection, the Planning Commission shall refer to any traffic plan or study adopted by the Township of Richland.
- E. Likewise, the Planning Commission shall seek to assure harmonious and beneficial relationship of buildings and uses on the site, as well as to contiguous properties, and overall development in a manner not detrimental to the public at large.
- F. The Planning Commission shall report its findings and recommendations in writing to the Zoning Officer within 48 hours following the review meeting. The approval, for the purpose of obtaining zoning approval and a building permit, shall be valid for a period of 180 days unless extended by the Planning Commission for reasonable cause shown.

§ 240-20. Public utility uses.

Public utility uses for the transportation, distribution and control of water, gas, electricity, oil, steam, telegraph and telephone communications, cable television and their supporting members other than buildings and railroads shall not be required to be located on a zoning lot nor be held to reduce yard dimensions for other buildings on a lot.

8. Editor's Note: See Ch. 138, Floodplain Management.

§ 240-21. Nonconforming lots.

A lot held in single and separate ownership or a lot in a recorded plan at the effective date of this chapter or of any subsequent amendment hereto which is not of the required minimum area or width may be used for the construction, alteration or reconstruction of a building or may be otherwise used if the construction, alteration, reconstruction or other use itself is in compliance with the use, yard, setback, density and other pertinent provisions of this chapter.

§ 240-22. Nonconforming uses.

Except as hereinafter provided, the lawful use of a building or structure or of any land or premises existing at the time of the effective date of this chapter or any subsequent amendment, or at the time of a change in the Zoning Map, may be continued although such use does not conform to the provisions hereof or of any subsequent amendment.

- A. A nonconforming use may be changed to another nonconforming use by grant of special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace.
 - (1) In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things: traffic generated; nuisance characteristics (such as emission of noise, dust and smoke); fire hazards; and hours and manner of operation.
- B. A nonconforming use shall not be extended or enlarged, and a nonconforming building shall not be extended or structurally altered unless the Zoning Hearing Board shall, as a special exception, authorize the extension of a nonconforming use or the limited extension of a building which houses a nonconforming use. The Zoning Hearing Board may grant such special exception provided that:
 - (1) It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the municipality.
 - (2) It is clear that denial of the use would work an undue hardship upon the landowner.
 - (3) Any extension of a building shall conform to the area, height and setback regulations of the district in which it is situated.
- C. Whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one year, the nonusage shall create a rebuttable presumption that the nonconforming use has been abandoned and, in the absence of proof, by a preponderance of the evidence, rebutting the presumption of abandonment, the nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this chapter.

§ 240-23. Nonconforming structures.

The continuation, alteration or extension of a nonconforming structure shall be in compliance with the following requirements.

- A. A nonconforming structure being used or proposed to be used for a conforming purpose may continue and may be altered or enlarged unless the alteration or enlargement would increase the nonconformity of the structure with respect to the setback requirements (by reason of the physical encroachments of such proposed alteration or enlargement upon the setback areas), the land coverage requirements or the density requirement of the district in which the structure is located at the time such alteration or enlargement is proposed to be made.
- B. A nonconforming building or structure which has been seriously damaged or destroyed by fire or other casualty may be reconstructed in its former location and to its former dimensions and used for the same purpose for which it was used before its damage or destruction, provided that such reconstruction shall be commenced within one year from the date of damage or destruction and shall be completed within one year after commencement of construction.
- C. A nonconforming building shall not be expanded, enlarged or structurally altered for a nonconforming purpose unless the Zoning Hearing Board shall, as a special exception, authorize the expansion, enlargement or structural alterations. The Zoning Hearing Board may grant such a special exception provided that:
 - (1) It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the municipality.
 - (2) It is established that denial of the expansion, enlargement or alteration, etc., would work an undue hardship upon the landowner.
 - (3) Any expansion of a building shall conform to the area, height and setback regulations of the district in which it is situated.

§ 240-24. As-built requirements.

Upon completion of all improved work and as a requirement for issuance of a final occupancy permit, as-built drawings of the approved site work shall be submitted to the township for review and acceptance. The as-built information shall contain a certification by a registered architect, professional engineer or registered surveyor indicating that the stormwater management facilities are in place and functioning as per the approved design.

§ 240-25. Site restoration bond.

A site restoration bond to assure restoration of the site to an approved condition in the event that construction of a proposed development in accordance with the approved plan and zoning requirements does not occur may be required at anytime in an amount to be determined and approved by the Township Supervisors.

§ 240-26. Stormwater.

Adequate stormwater drainage facilities shall be installed in order to ensure that stormwater does not flow onto abutting property or abutting sidewalks at a detrimental rate. The rate of stormwater runoff from a property after construction and/or development shall not exceed the rate of runoff prior to the construction and/or development. Runoff calculations shall be submitted on forms provided by the township using formulas approved by the Richland Township Board of Supervisors by resolution, along with the site plan for review and approval.

§ 240-27. Safety limitations on fences, structures and shrubbery.

- A. No fence, structures or obstacle shall be placed or maintained nor shall any shrubbery be planted or maintained within the township in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public highway.
- B. The height of such objects are restricted to three feet above the established street grade within a triangular area formed by the intersecting street lines and equidistant from the point of intersection. This distance shall be 30 feet from the corner.

§ 240-28. Mobile homes.

Mobile homes shall be permitted only in mobile home parks.

§ 240-29. Garage and yard sales.

Private yard and garage sales. Such activities may be permitted in all districts based on the following:

- A. Such sales are limited to four per calendar year per dwelling unit.
- B. All activities are conducted in such a manner that no hazards or nuisances are created.
- C. The duration of such sale shall not exceed two consecutive days.

§ 240-30. (Reserved).**ARTICLE V****R-1 One-Family Residential District****§ 240-31. Purpose.**

The R-1 One-Family Residential District is composed of certain quiet, low-density residential areas of Richland Township, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to protect the amenities of certain areas of Richland Township where the pattern has already been established with single-family developments on

relatively large lots; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial nature except certain home occupations. To these ends, development is limited to a relatively low concentration with relatively large lot sizes, and permitted uses are limited basically to single-family dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities which serve the residents of the district.

§ 240-32. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

A. Permitted uses.

- (1) One-family detached dwelling.
- (2) Public school or private school having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial school.
- (3) Church and similar place of worship.
- (4) Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
- (5) Farm, operating, not under five acres, including private stable.
- (6) Home office.
- (7) Satellite dishes and antennas:
 - (a) Shall be installed in the rear yard at least 15 feet from the property lines.
 - (b) Installation shall be mounted on the ground, shall have a maximum height of 15 feet and shall have a maximum diameter of 12 feet.
 - (c) If mounted on the roof, the height shall not exceed the height limit within that district.
- (8) Temporary building and use for construction purposes, not to exceed a period of one year.
- (9) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses and including but not limited to:
 - (a) Private garage.
 - (b) Fence or ornamental wall not over six feet in height as measured from the established grade level.

[1] No fence shall be constructed within any street or alley right-of-way. Except for farm use, fences in any residential district shall not include

barbed wire or other harmful projections unless approved by the Zoning Hearing Board for security reasons.

- (c) Off-street parking and loading facility.
 - (d) Cultivation of plants, noncommercial.
 - (e) Private swimming pool appurtenant to a dwelling when meeting the requirements of Article XXI hereof.
 - (f) Signs when meeting the requirements of Article XIX.
 - (g) Parking of boats, boat trailers and motor homes not used as dwellings on the premises.
 - (h) Such permitted accessory uses as listed in the definition of accessory use and which are incidental to residential use.
 - (i) No accessory buildings shall be located within the front yard. The side yard setback to be in accordance with the district requirements in this chapter and no less than 10 feet from the rear of the property lines.
 - (j) No accessory building or buildings shall have an accumulative area greater than 650 square feet, one story in height and a height no greater than 15 feet.
 - (k) No accessory structure may be constructed prior to the construction of the principle structure to which it is accessory.
 - (l) No accessory structure shall be used for dwelling purposes unless expressly authorized by this chapter.
 - (m) An accessory structure shall be secured to the ground or installed on a secure foundation or footer; in no event shall it be erected on loose blocks or other temporary materials. The footer or foundation shall be rodent proof.
- (10) Similar type uses not specifically listed herein when authorized by the Zoning Hearing Board according to the procedure authorized in § 240-100A(9).

B. Uses by special exception:

- (1) Family day-care/group day-care home/day-care center as regulated by Article XXII.
- (2) Group home.
- (3) Home business.
- (4) Buildings for church-related uses. **[Added 3-3-2008 by Ord. No. 311]**

§ 240-33. Area regulations.

- A. Lot area and width. The minimum lot area for every building hereafter erected or altered shall be as follows:

- (1) One-family detached dwelling, convent, monastery, rectory or parish house: a minimum of 20,000 square feet and a width at the building line of not less than 100 feet.
 - (2) Church or similar place of worship: one and one-half acres and a width at the building line of not less than 200 feet.
 - (3) Public or private school:
 - (a) Elementary school: five acres, plus one acre for every 100 students at design capacity.
 - (b) Junior high school: eight acres, plus one acre for every 100 students at design capacity.
 - (c) High school: 12 acres, plus one acre for every 100 students at design capacity.
- B. Building area. All buildings, including accessory uses, shall cover not more than 20% of the area of the lot.
- C. Yard area setbacks.
- (1) No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:
 - (a) Front yard: not less than 50 feet.
 - (b) Side yard: not less than 15 feet.
 - (c) Rear yard: not less than 50 feet.
 - (2) Corner lots.
 - (a) Front yard: not less than 50 feet.
 - (b) Side yard abutting side street: not less than 35 feet.
 - (c) Interior side yard: not less than 15 feet.
 - (3) Exception. Where more than 50% of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the average setback line of the existing structures.

§ 240-34. Height regulations.

The maximum height of buildings hereafter erected or altered shall be as follows:

- A. One-family detached dwelling: 35 feet.
- B. Church or similar place of worship: 45 feet for the principal building and 75 feet for steeples or towers.

- C. Accessory building: 25 feet.
- D. Any other permitted building: 35 feet.

§ 240-35. Dwelling standards.

Every one-family dwelling hereafter erected or altered shall have habitable living area of not less than 1,400 square feet.

§ 240-36. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

**ARTICLE VI
R-2 Two-Family Residential District**

§ 240-37. Purpose.

The R-2 Two-Family Residential District is composed of certain medium-density residential areas of Richland Township representing compatible mingling of single-unit and double-unit dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial nature except certain home occupations. To these ends, development is limited to a relatively medium concentration and permitted uses are typically single- and two-unit dwellings, providing homes for the residents in this choice of dwelling types plus certain additional uses such as schools, parks, churches and certain public facilities which serve the residents of the district.

§ 240-38. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

- A. Permitted uses.
 - (1) Any use and accessory use permitted in the R-1 District.
 - (2) Two-family dwellings.
 - (3) Similar type uses not specifically listed herein when authorized by the Zoning Hearing Board according to the procedure outlined in § 240-100A(9).
- B. Uses by special exception:

- (1) Bed-and-breakfast.
- (2) Family day-care/group day-care home/day-care center as regulated by Article XXII.
- (3) Group home.
- (4) Home business.
- (5) Nursing home.
- (6) Planned residential developments.
- (7) Private school not exceeding 30 students.
- (8) Surface mining, provided that the parcel of land has received all permits by state and federal agencies for surface mining and is contiguous to an "active surface mining operation" as that term is defined by state and federal regulations.
- (9) Two-family dwellings - subdivided for individual ownership. **[Added 12-23-2005 by Ord. No. 302]**

§ 240-39. Area regulations.

- A. Lot area and width. The minimum lot area for every building hereafter erected or altered shall be as follows:
 - (1) One-family detached dwelling, convent, monastery, rectory or parish house: 12,000 square feet and a width at the building line of not less than 75 feet.
 - (2) Two-family dwellings: 15,000 square feet and a width at the building line of not less than 75 feet.
 - (3) Church and similar place of worship: as required in the R-1 District.
 - (4) Public or private school: as required in the R-1 District.
 - (5) Private school not exceeding 30 students: 15,000 square feet and a width at its building line of not less than 100 feet.
- B. Building area. All buildings, including accessory uses, shall cover not more than 25% of the area of the lot.
- C. Yard area setbacks.
 - (1) No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:
 - (a) Front yard: not less than 40 feet.
 - (b) Side yard: not less than 10 feet.
 - (c) Rear yard: not less than 35 feet.

- (2) Corner lots.
 - (a) Front yard: not less than 40 feet.
 - (b) Side yard abutting side street: not less than 30 feet.
 - (c) Side yard: not less than 10 feet.
- (3) Exception. Where more than 50% of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the average setback line of existing structures.

§ 240-40. Height regulations.

Height regulations shall be as permitted or required in the R-1 District.

§ 240-41. Dwelling standards.

Every one-family dwelling hereafter erected or altered shall have a building area of not less than 1,000 square feet and two-family structures shall have a minimum building area of 1,700 square feet.

§ 240-42. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

ARTICLE VII**R-3 Two-Family Residential District****§ 240-43. Purpose.**

The R-3 Two-Family Residential District is composed of certain medium-density residential areas of Richland Township representing a compatible mingling of single-unit and double-unit dwellings and mobile home trailer parks by special exception, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial nature except certain home occupations. To these ends, development is limited to a relatively medium concentration and permitted uses are typically single- and two-unit dwellings, providing homes for the residents in this choice of dwelling types, plus certain additional uses such as schools, parks, churches and certain facilities which serve the residents of the district.

§ 240-44. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes.

A. Permitted uses.

- (1) Any permitted use and accessory use permitted in the R-2 District.

B. Uses by special exception.

- (1) Bed-and-breakfast.
- (2) Family day-care/group day-care home/day-care center as regulated by Article XXII.
- (3) Group home.
- (4) Home business.
- (5) Hospital.
- (6) Mobile home trailer park.
- (7) Nursing home (to include assisted living/personal care facilities).
- (8) Planned residential development.
- (9) Two-family dwellings - subdivided for individual ownership. **[Added 12-23-2005 by Ord. No. 302]**

§ 240-45. Area regulations.

A. Lot area and width. The minimum lot area for every building hereafter erected or altered shall be as follows:

- (1) One-family detached dwelling, convent, monastery, rectory or parish house: 8,700 square feet and a width at the building line of not less than 60 feet.
- (2) Two-family detached dwelling: 11,000 square feet and a width at the building line of not less than 60 feet.
- (3) Church or similar place of worship: as required in the R-1 District.
- (4) Public or private school: as required in the R-1 District.
- (5) Private school not exceeding 30 students: as required in the R-2 District.

B. Building area. All buildings, including accessory uses, shall cover not more than 30% percent of the area of the lot.

C. Yard area setbacks.

- (1) No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:
 - (a) Front yard: not less than 35 feet.
 - (b) Side yard: not less than 10 feet.

- (c) Rear yard: not less than 35 feet.
- (2) Corner lots.
 - (a) Front yard: not less than 35 feet.
 - (b) Side yard abutting side street: not less than 25 feet.
 - (c) Side yard, interior: not less than 10 feet.
- (3) Exceptions. Where more than 50% of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the average setback line of existing structures.

§ 240-46. Height regulations.

Height regulations shall be as permitted or required in the R-1 District.

§ 240-47. Dwelling standards.

Every one-family dwelling unit hereafter erected or altered shall have a building area of not less than 700 square feet per dwelling unit. Every dwelling unit of more than one story hereafter erected or altered shall have a total floor area of not less than 1,000 square feet per dwelling unit. Every two-family dwelling hereafter erected or altered shall have a building area of not less than 1,400 square feet.

§ 240-48. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

ARTICLE VIII**R-4 Multiple-Family Residential District****§ 240-49. Purpose.**

The R-4 Multiple-Family Residential District is composed of certain medium-density residential areas of Richland Township representing a compatible mingling of single-unit and multiple-unit dwellings. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial nature except certain home occupations, controlled by specific limitations governing the size and extent of such nonresidential activities. To these ends, development is limited to a medium concentration and permitted uses are typically single- and two-unit dwellings, townhouses, plus certain public facilities which serve the residents of the district. However, high-rise apartments, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space.

§ 240-50. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

A. Permitted uses.

- (1) Any use and accessory use permitted in the R-1 District.
- (2) Apartments and multistory multiple-family dwellings.
- (3) Funeral homes.
- (4) Multiple-family dwelling.
- (5) Townhouses with not more than six dwelling units in one structure.
- (6) Two-family dwelling.

B. Uses permitted by special exception.

- (1) Family day-care/group day-care home/day-care center as regulated by Article XXII.
- (2) Group home.
- (3) Home business.
- (4) Hospital.
- (5) Nursing home.
- (6) Planned residential development.
- (7) Private school not exceeding 30 students.

§ 240-51. Area regulations.**A. Lot area and width. The minimum lot area for every building unit hereafter erected or altered shall be as follows:**

- (1) One-family detached dwelling, convent, monastery, rectory or parish house: 8,700 square feet and width at the building line of not less than 60 feet.
- (2) Two-family dwelling: 4,350 square feet per dwelling unit and a width at the building line of not less than 60 feet.
- (3) Multiple-family dwelling: 10,000 for the first unit and not less than 4,300 square feet per each additional dwelling unit or apartment and a width at the building lines of not less than 150 feet.
- (4) Townhouses: 10,890 square feet for the first unit and not less than 2,700 square feet per each additional unit and a width at the building line of not less than 150 feet for a row dwelling containing three or more dwelling units, but not to exceed

six. If a row dwelling is arranged, designed or intended to be sold or owned in separate ownership between party walls, the minimum width of lot between center lines of party walls shall be 16 feet and the one-hundred-fifty-foot minimum width of total site frontage shall apply for the entire structure.

- (5) Church and similar place of worship: as required in the R-1 District.
- (6) Private school not exceeding thirty (30) students: as required in the R-2 District.
- (7) Public or private school: as required in the R-1 District.
- B. Building area. All buildings, including accessory uses, except multifamily dwellings shall cover not more than 35% of the area of the lot. Multifamily dwellings shall cover not more than 40% of the area of the lot.
- C. Yard area setbacks.
 - (1) No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:
 - (a) One-family detached dwelling and two-family dwellings:
 - [1] Front yard: not less than 35 feet.
 - [2] Side yard: not less than 10 feet.
 - [3] Rear yard: not less than 30 feet.
 - (b) Multiple-family dwelling, townhouses and multistory buildings. All yards to be equal to building height or:
 - [1] Front yard: not less than 50 feet.
 - [2] Side yard: not less than 25 feet.
 - [3] Rear yard: not less than 35 feet except where abutting on a street, then a fifty-foot setback is required.
 - (c) Church and similar place of worship:
 - [1] Front yard: not less than 40 feet.
 - [2] Side yard: not less than 40 feet.
 - [3] Rear yard: not less than 30 feet.
- D. Corner lots. Corner lot setbacks shall conform to the front yard requirements set forth for this district.
- E. Exception. Where more than 50% of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the average setback line of existing structures.

§ 240-52. Height regulations.

Height regulations shall be as permitted in the R-2 District, except that multiple-family dwellings, townhouses and multiple-story apartment buildings shall not exceed 60 feet in height.

§ 240-53. Dwelling standards.

Every one-family or two-family dwelling unit hereafter erected or altered shall have a building area of not less than 700 square feet per dwelling unit. Every dwelling unit of more than one story hereafter erected or altered shall have a total floor area of not less than 1,000 square feet per dwelling unit. Every two-family dwelling hereafter erected or altered shall have a building area of not less than 1,400 square feet. Every apartment must provide a minimum of not less than 400 square feet of habitable living space, contain not less than two habitable rooms, at least one of which shall be a private bathroom, and shall have separate and sanitary facilities, cooking and dining accommodations provided for each unit.

§ 240-54. Recreational areas.

At least 500 square feet per family unit shall be set aside and maintained for outdoor recreational area and maintained by the owner of the development if the development contains three or more dwelling units.

§ 240-55. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

ARTICLE IX
U University District

§ 240-56. Purpose.

The U University District is composed of post-secondary educational facilities at which at least bachelor of arts or bachelor of science degree programs are offered. These regulations recognize existing patterns of university-type uses and are designed to stabilize and protect these uses and to permit flexibility in student housing, educational and athletic facilities and ancillary service facilities of a type generally found on a university campus.

§ 240-57. Use Regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

A. Permitted uses.

- (1) Accessory uses on the same lot or tract with and customarily incidental to any of the permitted uses owned by or operated in conjunction with the university.
- (2) Ancillary service facilities selling or providing books, educational supplies, art supplies, athletic supplies or other incidental clothing or food items owned by or operated in conjunction with the university.
- (3) Buildings designed and used for instruction, research or other educational purposes of a type customarily associated with the university.
- (4) Cafeterias and snack bars owned by or operated in conjunction with the university.
- (5) Churches and chapels.
- (6) Dormitories.
- (7) Gymnasiums, stadiums, playing fields, courts and rinks, swimming and diving facilities and other athletic facilities.
- (8) Hospitals and medical facilities.

B. Uses permitted by special exception.

- (1) Family day-care/group day-care home/day-care center, as regulated by Article XXII.

§ 240-58. Area regulations.

- A. Yard area setbacks for buildings. No building or structure shall be erected or enlarged unless the minimum setback from a property line of adjoining property or public road right-of-way is 50 feet.
- B. Yard area setbacks for parking areas.
 - (1) No parking area shall be constructed or enlarged unless the minimum setback is 25 feet from the property line of adjoining residentially zoned property.
 - (2) Parking areas may be constructed or enlarged with a minimum setback of 10 feet from any public road right-of-way or property line of any nonresidentially zoned property.

§ 240-59. Height regulations.

- A. Between 50 feet and 100 feet of a property line of an adjoining residentially zoned property or a public road right-of-way on or abutting on residentially zoned properties, the maximum height of any building enlarged or erected shall not exceed 35 feet.

- B. The maximum height of any building erected or enlarged more than 100 feet from any adjoining property line of a residentially zoned property or public road right-of-way on or abutting on a residentially zoned property shall not exceed 60 feet in height.
- C. The maximum height of any building erected or enlarged more than 50 feet from any other public road right-of-way or any property line of a nonresidentially zoned property shall not exceed 60 feet.
- D. Notwithstanding these height regulations, church steeples or spires may be constructed to a height not in excess of 75 feet.

§ 240-60. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

ARTICLE X

C-2 General Commercial District

§ 240-61. Purpose.

The C-2 General Commercial District is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any nuisance factors other than occasioned by incidental light and noise or congregation of people and passenger vehicles. This includes such uses as retail stores, theaters and other amusement enterprises, business offices, newspaper offices and printing presses, restaurants, bars and community garages or community parking areas subject to special regulations. Residential and industrial use of land is prohibited as well as any other use which would substantially interfere with the development or continuation of the commercial structures and uses in the district.

§ 240-62. Use regulations.

A building may be erected or used and a lot used or occupied for any of the following purposes:

A. Permitted uses.

- (1) Amusement establishment, including bowling alleys, dance halls and similar places of recreation when conducted wholly within a completely enclosed building.
- (2) Animal hospital.
- (3) Art, book, school supply and stationery store.
- (4) Automobile repair, minor.
- (5) Auto accessory store, automobile and truck sales and incidental service.

- (6) Bakery shop, including the baking and processing of food products.
- (7) Bank, financial institution and savings and loan association.
- (8) Barbershop, beauty shop, chiropody or similar personal service.
- (9) Bicycle repair, sales and rental.
- (10) Blueprinting and photostating establishment.
- (11) Bus passenger terminal.
- (12) Cabinet shop.
- (13) Camera and photographic supply shop, retail sales and service.
- (14) Candy or ice cream store.
- (15) Church or similar place of worship.
- (16) Club or fraternal organization.
- (17) Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on a premises only.
- (18) Delicatessen.
- (19) Department store.
- (20) Drugstore.
- (21) Dry cleaning and/or laundry and shoe repair.
- (22) Dry goods store, haberdashery and wearing apparel store.
- (23) Electrical appliances store, sales, service and repair, but excluding appliance assembly or manufacture.
- (24) Family day-care/group day-care homes and day-care center as regulated by Article XXII.
- (25) Florist shop and conservatory for retail trade on the premises only, not including retail or wholesale greenhouse or outdoor planting beds for sale or nursery.
- (26) Food, fruit or vegetable store.
- (27) Funeral home.
- (28) Furniture store and upholstery when conducted as a secondary operation to the sale of furniture and furnishings.
- (29) Furrier, conducted as a retail operation for trade on the premises only.
- (30) Garden supplies, seed store and nursery.

- (31) Gift store.
- (32) Hardware store.
- (33) Health club.
- (34) Hobby store.
- (35) Hospitals or medical facilities.
- (36) Hotel, motor hotel, club, tearoom, cafe, restaurant or tavern, including those which serve alcoholic beverages.
- (37) Household appliance store, sales and service.
- (38) Interior decorating business, including upholstering and making of draperies, slipcovers and similar articles when conducted as a part of the retail operations and secondary to the main use.
- (39) Jewelry store.
- (40) Laundry, self-service, including self-service dry-cleaning establishment.
- (41) Liquor store, including beer distributor.
- (42) Meat market.
- (43) Medical office.
- (44) Newsstand.
- (45) Nursing home.
- (46) Office, business or professional, or broadcasting station.
- (47) Paint and wallpaper sales.
- (48) Photographer's studio and art gallery, including the developing of film when conducted as a part of the retail business on the premises.
- (49) Plumbing, heating and similar business showroom, including shop or repair facilities.
- (50) Post office.
- (51) Printing shops.
- (52) Service station, public garage or other motor vehicle services, provided that no repair work is performed outdoors; provided that all pumps, underground storage tanks, lubricating and other devices are located not less than 15 feet from any street right-of-way; provided that all fuel oil or similar substances are stored inside or underground; and provided that all automobile parts and dismantled or disabled vehicles awaiting repair or disposition during an insurance claim shall be stored

within a building. Tank size shall not exceed 10,000 gallons and number of tanks will not exceed five.

- (53) Shoe store.
 - (54) Sporting goods store.
 - (55) Swimming pools as regulated by Article XXI.
 - (56) Theater, indoor.
 - (57) Tobacco store.
 - (58) Typewriter and office equipment sales and service.
 - (59) Variety store.
 - (60) Watch repair.
 - (61) Accessory uses customarily incidental to any of the above uses, and including:
 - (a) Off-street parking and loading facilities in accordance with Article XVIII.
 - (b) Fence or ornamental wall not over eight feet in height.
 - (c) Sign as regulated in Article XIX.
 - (d) Cultivation of plants, noncommercial, where used for landscaping or buffer areas.
 - (e) Exterior display of merchandise as regulated by Article XV, § 240-93C.
 - (62) Similar type retail or local service use not specifically listed herein when authorized by the Zoning Hearing Board according to the procedure outlined in § 240-100A(9).
- B. Uses by special exception.
- (1) Billboards.
 - (2) Group home.

§ 240-63. Area regulations.

- A. Lot area. The minimum lot area for every building hereafter erected or altered shall contain a minimum of 20,000 square feet.
- B. Building area. All buildings, including accessory buildings, shall cover not more than 40% of the area of the lot.
- C. Yard area setbacks.
 - (1) No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:

- (a) Front yard: not less than 50 feet.
 - (b) Side yard: not less than 50 feet where abutting a street or alley. None required for interior lot, except where abutting upon an R District, where there shall be provided a side yard equal to 25 feet if abutting such R District, plus a buffer area of not less than 15 feet.
 - (c) Rear yard: not less than 25 feet, plus a fifteen-foot buffer when abutting an R District.
- (2) A one-story accessory building may be located within a required rear yard except for the five feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof or the storage of stock and merchandise customarily associated with the principal use. For the purposes of this section, a trailer, van or any vehicle or structure which was transported to the site is not such a building and shall not be permitted to remain on the property for more than seven days in any fourteen-day period.

§ 240-64. Height regulations.

The maximum height of buildings hereafter erected, altered or enlarged shall not exceed 35 feet.

§ 240-65. Conditions of use.

- A. All activities, except for accessory uses and a service station shall be conducted within a completely enclosed building.
- (1) All refuse, garbage and similar solid waste shall be enclosed in a masonry or equivalent structure of sufficient height, width and depth to prevent dispersal of the solid waste in the vicinity with a solid gate sufficient to conceal the contents.
- B. The Township Planning Commission may require an occupancy permit or zoning approval issued for a General Commercial District or lot therein in accordance with the provisions and procedures of this chapter and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers or petitioners for the tract or lot proposed for commercial development:
- (1) Traffic study.
- (a) To include a comparative analysis of present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available in the Richland Township municipal offices may be utilized, provided that such data is deemed current by the Township Planning Commission.

- (b) To include a circulation plan for all streets in the vicinity, existing and proposed, which show the recommendations for controlling, signaling, channelizing, storing, warning and directing traffic.
- (2) Landscape development plan.
 - (a) To include a plan of landscape development which shall include, among other considerations, an area of at least 10 feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.
 - (b) A fifteen-foot wide buffer planting strip consisting of suitable landscaping maintained wherever the proposed business abuts an R District.
 - (c) All parking lots and landscape areas or planting strips adjacent to parking lots or streets or highways shall be surrounded with a raised curb.
 - (d) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.
- (3) Architecture.
 - (a) Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.
- C. Any other authority approval required, when applicable, such as Department of Health, State Highway Department, Department of Labor and Industry and similar organizations, shall be obtained before applying for a zoning approval or an occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Township Planning Commission. If the state or similar organization requires zoning approval prior to issuing its approval, the Planning Commission may issue site plan approval conditioned upon the applicant presenting the state's or similar organization's approval to the Zoning/Codes Official prior to the township issuing the building permit.

ARTICLE XI

C-3 Office Commercial District

§ 240-66. Purpose.

The C-3 Office Commercial District is intended as a primary office district of the community for the conduct of general business. It is the objective to provide in this district sufficient space in appropriate locations for the transaction of all types of administrative and miscellaneous service activities in beneficial relationship to one another and thus strengthen the economic base of the community; to provide appropriate space, including sufficient ground area, permissible height and bulk of buildings, including room for off-street parking facilities to satisfy the needs of modern office-commercial development; and to encourage the tendency of office-commercial development to concentrate to the mutual advantage of both

consumer and merchant, thus to promote public convenience, prosperity and welfare. Land in this district is intended for concentrated office-commercial development, which is not properly associated with, nor compatible with, residential and neighborhood commercial and service establishments. Therefore, residential, industrial or manufacturing uses (except when incidental to the business) are prohibited as well as any other use which would substantially interfere with the development or continuation of the office-commercial structures and uses in the district.

§ 240-67. Use regulations.

A building may be erected or used and a lot used or occupied for any of the following purposes:

A. Permitted uses.

- (1) Administrative offices of industrial or commercial establishments.
- (2) Animal hospital.
- (3) Bank and financial institution.
- (4) Business, charitable finance, professional and consulting offices.
- (5) Church or similar place of worship.
- (6) Clubs limited to private membership, exclusive of sexually oriented businesses.
- (7) Family day-care/group day-care homes and day-care center as regulated by Article XXII.
- (8) Funeral home.
- (9) Hospital and medical facilities.
- (10) Motels and hotels.
- (11) Post office substations.
- (12) Research laboratories which do not involve the emission of excessive noise, smoke, odors, gases or vibrations.
- (13) Restaurant.
- (14) Similar type uses not specifically listed herein when authorized by the Zoning Hearing Board according to the procedure outlined in § 240-100A(9).

B. Permitted ancillary commercial uses.

- (1) Barbershop.
- (2) Beauty shop.
- (3) Cafeteria and snack bar, including alcoholic beverages.

- (4) Confections, sales.
- (5) Drugs, tobacco and sundries, sales.
- (6) Duplicating or offset reproduction shop.
- (7) Fence or ornamental wall not over eight feet in height.
- (8) Flower shop.
- (9) Gift shop.
- (10) Health clubs.
- (11) Indoor swimming pool.
- (12) Travel agency.
- (13) Valet shop, including a dry-cleaning and/or laundry pickup station and shoe repairs.

C. Conditions which apply to ancillary commercial uses. The above uses are permitted, subject to the following conditions

- (1) Ancillary commercial uses shall be located on the ground floor and shall occupy no more than 10% of the principal structure.
- (2) The principal entrance to an ancillary commercial use shall be from the inside of a building housing a permitted principal use except where the place of business of the ancillary commercial use is located at least 75 feet from the nearest public street.
- (3) No display of wares for sale shall be visible outside the building unless the place of business is at least 75 feet from the nearest public street.
- (4) Signs shall comply with § 240-114 of this chapter.

D. Permitted ancillary residential uses.

- (1) Apartments located on floors above the ground floor which, ground floor is occupied by a use permitted in Subsection A and B above.

E. Uses by special exception.

- (1) Nursing homes (including assisted living/personal care facilities).
- (2) Hospital.

§ 240-68. Area regulations.

A. Lot area and width.

- (1) The minimum lot area for any use shall be 20,000 square feet with a minimum width at the building line of 100 feet.
 - (2) Except for nursing homes as provided in § 240-67E, where multistory dwelling units or living quarters are used for habitation, there shall be a minimum of 2,700 square feet of lot per dwelling unit.
 - (3) Multistory apartments as permitted under § 240-67D shall have a minimum of 1,500 square feet of lot area per unit.
- B. Building area. All buildings, including accessory uses, shall cover not more than 40% percent of the area of the lot.
- C. Yard area setbacks.
- (1) No building or structure shall be erected or enlarged unless the minimum yard area setbacks are provided as follows:
 - (a) Front yard: not less than 50 feet.
 - (b) Side yard: not less than 50 feet where abutting a street or alley. None required for interior lot, except where abutting upon an R District, where there shall be provided a side yard equal to one-half the required front yard in such abutting R District, plus a buffer area of not less than 15 feet.
 - (c) Rear yard: not less than 25 feet. Where abutting an R District, there shall be provided, in addition to the rear yard requirement, a buffer area of not less than 15 feet.
 - (2) A one-story accessory building may be located within a required rear yard except for the five feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof or the storage of stock and merchandise customarily associated with the principal use. For the purposes of this section, a trailer, van or any vehicle or structure which was transported to the site is not a building and shall not be permitted to remain on the property for more than seven days in a fourteen-day period.

§ 240-69. Height regulations.

The maximum height of buildings hereafter erected, altered or enlarged shall not exceed 60 feet.

§ 240-70. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

§ 240-71. Planting areas.

- A. Landscape development shall be required to include an area of at least 10 feet in width along all streets, with the exception of approved entrance(s) which border the proposed development, which shall be planted and maintained with trees and shrubbery to serve as a suitable screen for the parking and storage area.
- B. A buffer planting strip, consisting of suitable shrubbery and trees maintained at a minimum height of eight feet by 10 feet in width, shall be planted wherever the district abuts a residential district.

§ 240-72. Conditions of use.

- A. All activities, except for accessory uses and a service station, shall be conducted within a completely enclosed building.
- B. No C-3 District shall comprise an area of less than two acres.
- C. All refuse, garbage and similar solid waste shall be enclosed in a masonry structure of sufficient height, width and depth to prevent dispersal of the solid waste in the vicinity with a solid gate sufficient to conceal the contents.
- D. The Township Planning Commission may require the following prior to issuing an occupancy permit or zoning approval for a General Commercial District or lot therein in accordance with the provisions and procedures of this chapter and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers or petitioners for the tract or lot proposed for commercial development.

- (1) Traffic study.

- (a) To include a comparative analysis of present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available in the Richland Township municipal offices may be utilized, provided that such data is deemed current by the Township Planning Commission.
 - (b) To include a circulation plan for all streets in the vicinity, existing and proposed, which show the recommendations for controlling, signaling, channelizing, storing, warning and directing traffic.

- (2) Landscape development plan.

- (a) To include a plan of landscape development which shall include, among other considerations, an area of at least 10 feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.
 - (b) A fifteen-foot wide buffer planting strip shall be maintained wherever the proposed business abuts an R District.

- (c) All landscape areas or planting strips adjacent to parking lots or streets or highways shall be surrounded with a raised curb.
 - (d) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.
- (3) Architecture.
- (a) Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.
- (4) Any other authority approval required, when applicable, such as Department of Health, State Highway Department, Department of Labor and Industry and similar organizations shall be obtained before applying for a zoning approval or an occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Township Planning Commission. If the state or similar organization requires approval prior to issuing its approval, the Planning Commission may issue site plan approval conditioned upon the applicant presenting the state's or similar organization's approval to the Zoning/Codes Office prior to the township issuing the building permit.

ARTICLE XII

L-1 Light Industrial District

§ 240-73. Purpose.

The L-1 Light Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the township, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this chapter. The limitations on use, height and lot coverage are intended to provide for modern light industrial development in an urban environment. Uses which would substantially interfere with the development or continuation of the industrial uses and structures in the district are prohibited.

§ 240-74. Use regulations.

- A. In this district, the land and structures may be used and structures may be erected, altered, enlarged and maintained for light industrial uses listed hereunder, provided that:
- (1) No explosive materials or processes are involved.
 - (2) No smoke, fumes, odor, dust, noise, vibration or glaring light is noticeable from outside any lot in this district.
 - (3) The use is not offensive by reason of emission of refuse matter or water-carried waste.

- (4) There may be retail sale of products on the premises when such sale is clearly incidental to the permitted industrial use.

B. Permitted uses.

- (1) Animal hospital and kennels.
- (2) Bakery.
- (3) Bank, financial institutions and savings and loan association, drive-in or main offices.
- (4) Bottling works.
- (5) Broadcasting, radio or television station and any necessary related facilities.
- (6) Building material yards or establishments.
- (7) Business, charitable, professional and consulting offices.
- (8) Cabinetmaking establishments and carpenter shops.
- (9) Church or similar place of worship.
- (10) Clothing factory.
- (11) Contractor's yard.
- (12) Dairy.
- (13) Dry-cleaning plant.
- (14) Dying plant.
- (15) Family day-care/group day-care homes and day-care center as regulated by Article XXII.
- (16) Laundry.
- (17) Milk distribution station.
- (18) Motor vehicle repair, major.
- (19) Optical goods factory.
- (20) Paper box factory.
- (21) Pencil factory.
- (22) Printing, publication and engraving plant.
- (23) Research and development organization.
- (24) Retail sales and service of trucks and automobiles.
- (25) Storage firm.

- (26) Trucking terminal.
 - (27) Wholesale business.
 - (28) Any other compatible type manufacturing-light industrial use not specifically listed herein when authorized by the Zoning Hearing Board according to the procedure outlined in § 240-100A(9).
 - (29) Accessory use, building or fence or ornamental wall not over eight feet in height, customarily incidental to the above permitted uses and as regulated by this chapter.
- C. Uses by special exception.
- (1) Billboards.
 - (2) Sexually oriented businesses.
 - (3) Storage yard and building for contractors or excavating equipment.
 - (4) Surface mining.
 - (5) Telecommunications towers.
 - (6) Outdoor recreational facilities. [Added 3-3-2008 by Ord. No. 311]

§ 240-75. Area regulations.

- A. Lot area and width. The minimum lot size for light industrial uses shall be one acre with a minimum width at the building line of 100 feet.
- B. Yard area setbacks.
- (1) No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
 - (a) Front yard: not less than 50 feet.
 - (b) Side yard: not less than 15 feet. When abutting a street, not less than 50 feet. When abutting an R or U District, not less than 50 feet.
 - (c) Rear yard: not less than 15 feet. When abutting a street, not less than 50 feet. When abutting an R or U District, not less than 50 feet.
 - (2) For construction of a new structure adjacent to a railroad, no setback standards are required.
- C. Building area. All buildings shall not cover more than 60%percent of the lot area.

§ 240-76. Height regulations.

The maximum height of buildings, including accessory buildings, hereafter erected or altered shall be 60 feet.

§ 240-77. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

§ 240-78. Conditions of use.**A. Traffic study.**

- (1) To include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Richland Township municipal offices may be utilized, provided that such data is deemed current by the Planning Commission.
- (2) To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendation for controlling, signalizing, channelizing, storing, warning and directing traffic.

B. Landscape and site development plan.

- (1) To include a plan of landscape development which shall include, among other considerations, an area of at least 10 feet in width along all streets with the exception of approved entrances to be planted and maintained with trees, shrubbery or other landscaped material or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.
- (2) A buffer planting strip consisting of suitable landscaping maintained in a ten-foot width by an eight-foot height shall be planted within a required buffer area wherever the proposed business abuts any other district.
- (3) All landscape areas or planting strips adjacent to parking lots or streets or highways shall be surrounded with a raised curb.
- (4) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.

C. Architecture. Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.**D. Trash enclosure.** All refuse, garbage and similar solid waste shall be enclosed in a masonry or equivalent structure of sufficient height, width and depth to prevent dispersal of the solid waste in the vicinity with a solid gate sufficient to conceal the contents.

- E. Any other authority approval required, when applicable, such as Department of Health, State Highway Department, Department of Labor and Industry and similar organizations shall be obtained before applying for zoning approval or an occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Township Planning Commission. If the state or similar organization requires zoning approval prior to issuing its approval, the Planning Commission may issue site plan approval conditioned upon the application presenting the state's, or similar organization's approval to the Zoning/Codes Official prior to the township issuing the building permit.

ARTICLE XIII M Manufacturing District

§ 240-79. Purpose.

The M Manufacturing District is established in a district in which the principal use of land may be for heavy industrial uses, except uses or industrial processes that may be noxious or injurious by reason of the excessive production or emission of dust, smoke, refuse matter, odor, explosives, gas, fumes, noise, vibration or similar conditions. This district is intended to provide for the kinds of industrial uses suited to the physical and geographical advantages of this region, therefore contributing to the economic base of the township and providing opportunities for employment. Residential and, in general, commercial uses, are prohibited as well as any use which would substantially interfere with the development and continuation of the uses and structures in the district.

§ 240-80. Use regulations.

A. Permitted uses.

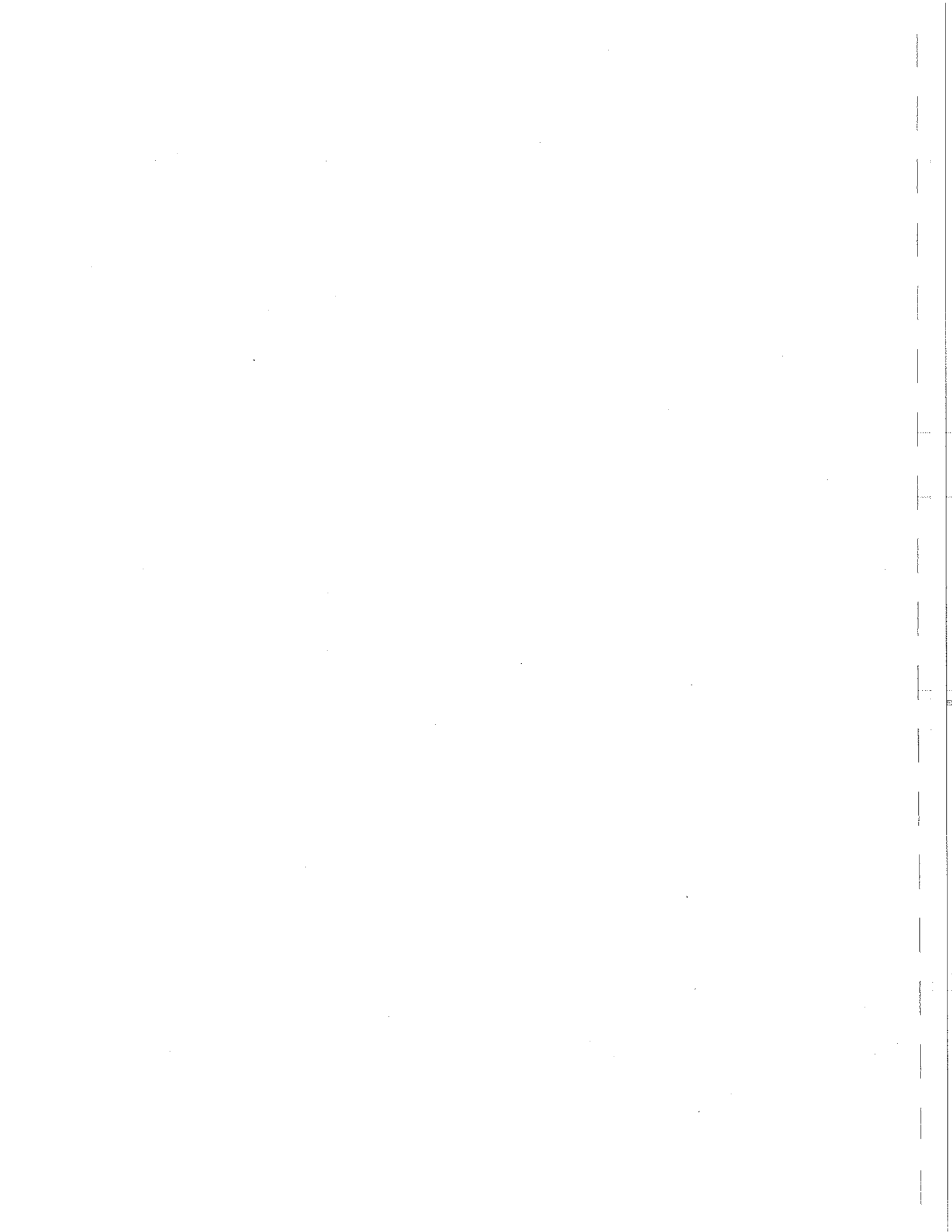
- (1) Agricultural activities, including greenhouse and nursery.
- (2) Animal hospital and dog kennel.
- (3) Automobile repair, major.
- (4) Bakery.
- (5) Bottling works.
- (6) Building material yards or establishment.
- (7) Business, charitable, professional and consulting offices.
- (8) Cabinetmaker establishments and carpenter shops.
- (9) Church or similar place of worship.
- (10) Clothing factory.
- (11) Contractor's yard.
- (12) Dairy.

- (13) Dry-cleaning plant.
- (14) Dying plant.
- (15) Family day-care/group day-care homes and day-care center as regulated by Article XXII.
- (16) Fruit canning and packing establishment.
- (17) Ice plant.
- (18) Laundry.
- (19) Machine shop.
- (20) Milk distribution station.
- (21) Optical goods factory.
- (22) Paper box factory.
- (23) Pencil factory.
- (24) Printing, publication and engraving plant.
- (25) Research and development organization.
- (26) Sheet metal shop.
- (27) Steel fabrication.
- (28) Storage firm.
- (29) Trucking terminal.
- (30) Welding shop.
- (31) Wholesale business.
- (32) Any other compatible type manufacturing-light industrial use not specifically listed herein when authorized by the Zoning Hearing Board according to the procedure outlined in § 240-100A(9).
- (33) Accessory use, building or fence or ornamental wall not over eight feet in height customarily incidental to the above permitted uses and as regulated by this chapter.

B. Uses permitted by special exception.

- (1) Billboards.
- (2) Disposal of sewage sludge.
- (3) Racing or testing facility for stock cars, midget cars and other motorized vehicles.
- (4) Sanitary landfill or similar waste disposal site.

- (5) Sexually oriented businesses.
- (6) Storage yard and buildings for contractors and excavating equipment.
- (7) Surface mining.
- (8) Telecommunications towers.
- (9) Wind energy facilities. **[Added 3-3-2008 by Ord. No. 311]**



§ 240-81. Area regulations.

- A. Lot area and width. The minimum lot size for all manufacturing buildings hereafter erected or altered shall be one acre with a minimum width at building line of 100 feet.
- B. Yard area setbacks.
 - (1) No building shall be hereafter erected or altered unless the minimum setback is met as follows:
 - (a) Front: 50 feet.
 - (b) Side: 35 feet.
 - (c) Rear: 15 feet.
 - (2) If the proposed structure is to be adjacent to a residential district, commercial district or light industrial district, a buffer planting strip, eight feet in height and 10 feet in width will be installed and maintained.
 - (3) For construction of a new structure adjacent to a railroad, no setback standards are required.
- C. Building area. All buildings shall not cover more than 60% of the lot area.

§ 240-82. Height regulations.

The maximum height of buildings, including accessory buildings, hereafter erected or altered shall be 60 feet.

§ 240-83. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required in Article XVIII.

§ 240-84. Signs.

Signs shall be provided as required in Article XIX.

§ 240-85. Conditions of use.

In addition to the site plan requirements, the following regulations shall apply:

- A. Traffic study.
 - (1) To include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Richland Township municipal offices may be utilized, provided that such data is deemed current by the Planning Commission.

- (2) To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signalizing, channelizing, storing, warning and directing traffic.

B. Landscape and site development plan.

- (1) To include a plan of landscape development which shall include, among other considerations, an area of at least 10 feet in width along all streets with the exception of approved entrances to be planted and maintained with trees, shrubbery or other landscaped material or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.
- (2) A buffer planting strip consisting of suitable landscaping maintained at a ten-foot width by an eight-foot height shall be planted within a required buffer area wherever the proposed business abuts any other district.
- (3) All landscape areas or planting strips adjacent to parking lots or streets or highways shall be surrounded with a raised curb.
- (4) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.

C. Architecture. Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.

D. Trash enclosure. All refuse, garbage and similar solid waste shall be enclosed in a masonry or equivalent structure of sufficient height, width and depth to prevent dispersal of the solid waste in the vicinity with a solid gate sufficient to conceal the contents.

E. Any other authority approval required, when applicable, such as Department of Health, State Highway Department, Department of Labor and Industry and similar organizations shall be obtained before applying for zoning approval or an occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Township Planning Commission. If the state or similar organization requires zoning approval prior to issuing its approval, the Planning Commission may issue site plan approval conditioned upon the applicant presenting the state's or similar organization's approval to the Zoning/Codes Official prior to the township issuing the building permit.

ARTICLE XIV A Airport District

§ 240-86. Purpose.

The A Airport District is composed of aviation and airport related facilities within Richland Township. These regulations recognize existing patterns of airport-type development and are designed to promote and facilitate use of airport-owned property and natural projections of airport and air terminal growth.

§ 240-87. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

A. Permitted uses.

- (1) Aircraft fire/rescue facilities.
- (2) Aircraft hangars and aviation associated offices.
- (3) Aircraft maintenance and painting facilities.
- (4) Air parcel express operations, administration, package sorting/handling facilities, courier truck parking and maintenance facilities.
- (5) Airport terminals and administration facilities.
- (6) Air traffic control towers and air navigational aid facilities, including but not limited to antennas, transmitters, airport lighting standards, rotating beacon towers, runway visual range facilities, automated weather observation facilities, transmissometers and VORTAC facilities.
- (7) Aviation fixed base operator facilities.
- (8) Aviation fuel storage and pumping facilities.
- (9) Car rental facilities.
- (10) Civil air patrol operations, administration and meeting rooms.
- (11) Military construction battalion facilities, including equipment storage and repair areas.
- (12) Military motor pool storage and repair facilities.
- (13) Military reserve armories, including classrooms, administration facilities, facilities, physical fitness and gymnasium facilities.
- (14) Military reserve aviation operating facilities. including hangars, classrooms, aircraft and helicopter maintenance facilities, military reserve meeting and administration facilities.
- (15) Motel/hotel.
- (16) Restaurants.
- (17) Runway snow removal facilities.
- (18) Runways, taxiways, ramp parking areas and associated lighting systems.
- (19) Weather observation facilities.

- (20) Any other compatible type airport use not specifically listed herein and authorized by the Zoning Hearing Board according to the procedure outlines in § 240-100A(9).

B. Permitted ancillary commercial uses.

- (1) Barbershop.
- (2) Beauty shop.
- (3) Cafeteria and snack bar, including alcoholic beverages.
- (4) Confections.
- (5) Drugs, tobacco and sundries.
- (6) Duplicating or offset reproduction shop.
- (7) Fence or ornamental wall not over eight feet in height.
- (8) Flowers.
- (9) Gifts.
- (10) Health club.
- (11) Indoor swimming pool.
- (12) Travel agency.
- (13) Valet shop, including a dry-cleaning and/or laundry pickup station and shoe repairs.

C. Uses by special exception.

- (1) Billboards.

§ 240-88. Area regulations.

- A. Yard area setbacks for buildings. No building or structure shall be erected or enlarged unless the minimum setback from a property line of adjoining property or public road right-of-way is 50 feet.
- B. Yard area setbacks for parking areas.
 - (1) No parking area shall be constructed or enlarged unless the minimum setback is 70 feet from the property line of adjoining residentially zoned property.
 - (2) Parking areas may be constructed or enlarged with a minimum setback of 10 feet from any public road right-of-way or property line of any nonresidentially zoned property.

§ 240-89. Height regulations.

The height of structures in the A Airport District shall be limited to 60 feet and shall be in compliance with the regulations of Article XX, the Federal Aviation Administration and/or the Pennsylvania Department of Transportation, Bureau of Aviation, whichever are more restrictive.

§ 240-90. Off-street parking and loading facilities.

Off-street parking and loading facilities shall be provided as required or permitted under Article XVIII.

§ 240-91. Conditions of use.**A. Traffic study.**

- (1) To include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Richland Township municipal offices may be utilized, provided that such data is deemed current by the Planning Commission.
- (2) To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendation for controlling, signalizing, channelizing, storing, warning and directing traffic.

B. Landscape and site development plan.

- (1) To include a plan of landscape development which shall include, among other considerations, an area of at least 10 feet in width along all streets with the exception of approved entrances to be planted and maintained with trees, shrubbery or other landscaped material or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.
- (2) A buffer planting strip consisting of suitable landscaping maintained in a ten-foot width by an eight-foot height shall be planted within a required buffer area wherever the proposed business abuts any other district.
- (3) All landscape areas or planting strips adjacent to parking lots or streets or highways shall be surrounded with a raised curb.
- (4) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.

C. Architecture. Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.

- D. Trash enclosure. All refuse, garbage and similar solid waste shall be enclosed in a masonry or equivalent structure of sufficient height, width and depth to prevent dispersal of the solid waste in the vicinity with a solid gate sufficient to conceal the contents.
- E. Any other authority approval required, when applicable, such as Department of Health, State Highway Department, Department of Labor and Industry and similar organizations shall be obtained before applying for zoning approval or an occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Township Planning Commission. If the state or similar organization requires zoning approval prior to issuing its approval, the Planning Commission may issue site plan approval conditioned upon the application presenting the state's or similar organization's approval to the Zoning/Codes Official prior to the township issuing the building permit.

ARTICLE XV

Administration and Enforcement

§ 240-92. Zoning Officer

- A. Zoning enforcement. A Zoning Officer shall be appointed by the Richland Township Supervisors to administer and enforce this zoning chapter.
- B. Duties and powers of Zoning Officer.
 - (1) It shall be the duty of the Zoning Officer to enforce literally the provisions of this chapter, as amended, and he shall have such duties and powers as are conferred on him by this chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:
 - (a) Receive applications for and issue zoning and sign approvals.
 - (b) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this chapter and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, reports and inspections made in connections with any structure, building, sign and/or land shall be retained as long as they remain in existence.
 - (c) Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
 - (d) Issue approvals for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this chapter.
 - (e) Be responsible for keeping this chapter and the Zoning Map up to date as to include amendments thereto.
- C. Notice of violations. The Zoning Officer shall serve a notice of violation on any person, firm, corporation or partnership responsible for violating any of the provisions of this

chapter or in violation of a detailed statement or a plan approved thereunder by sending an enforcement notice to the owner of record of the parcel on which the violation occurred and to any other person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested, in writing, by the owner of record which shall contain the following information:

- (1) The name of the owner of record and any other person against whom the township intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.
- (4) The date before the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of a notice has the right to appeal to the Zoning Hearing Board within 30 days from the date set forth on the notice in accordance with the procedures set forth in § 240-101 of this chapter.
- (6) That the failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with the possible sanctions clearly described.

§ 240-93. Approvals required.

A. Zoning approval. No building, structure or sign shall be erected, constructed, moved, added to or structurally altered nor shall land be put to any use without approval therefor issued by the Zoning Officer. No such approval shall be issued except in conformity with the provisions of this chapter or upon written order from the Zoning Hearing Board in the form of administrative review, special exception or variance as provided by this chapter or by the court.

(1) Form of application.

(a) All applications shall be made in writing and shall be accompanied by two sets of plans, including construction details and specifications, drawn to scale showing at least the following information:

- [1] Actual dimensions stated and the shape of the lot to be built upon drawn to scale.
- [2] The exact size and location on the lot of buildings, structures or signs, existing and/or proposed extensions thereto, as staked on the ground by a registered surveyor with seal affixed.
- [3] The number of dwelling units, if any, to be provided.

- [4] Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved and proposed method of treatment, if required.
 - [5] Parking spaces provided and/or loading facilities.
 - [6] Statement indicating the existing or proposed use.
 - [7] Height of structure, building or sign.
 - [8] All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this chapter.
- (b) One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.
 - (c) One copy of all such plans shall be retained by the Zoning Officer for his permanent records.
 - (d) Such approval shall be issued or refused in writing not more than 30 days from date of application. In case of refusal, the applicant shall be informed to the reasons for the refusal and of his rights to appeal. The application for approval shall be submitted in such form as the Zoning Officer may prescribe.
- (2) Expiration of zoning approval.
- (a) Zoning approval shall expire within 90 days from the date of issuance if work described in any approval has not begun. If work described in any approval has begun, said approval shall expire after one year from date of issuance thereof.
 - (b) A written request for an extension of a zoning approval beyond the one-year period shall be accepted but shall be granted only in extraordinary cases where the construction delay has been occasioned by causes solely within the control of persons or entities other than the applicant.
- B. Building permit. In addition to obtaining zoning approval as provided for above, an applicant is hereby notified that application must be made for a building permit on such form as the building official may prescribe and shall be accompanied by the required fee as prescribed by resolution set by the Township Supervisors.
- C. Exterior displays. Upon submission of an application in such form as the Zoning Officer may prescribe and payment of a monthly fee as set by the Board of Supervisors by resolution, the Zoning Officer may approve the exterior display of merchandise or goods in designated parking or yard areas if, in his opinion, the display does not significantly reduce available parking spaces and does not create a safety hazard. Any signs must comply with Article XIX.

- D. Floodplain Ordinance. If the proposed structure or use is located in a floodplain, as defined by the Richland Township Floodplain Ordinance,⁹ then, in addition to the information required herein, the applicant must comply with said Floodplain Ordinance, as amended.

§ 240-94. Certificate of use and occupancy.

A Certificate of use and occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until a certificate of use and occupancy has been issued.

- A. Form of application. The application and inspection fee for a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe.
- B. Issuance of certificate of use and occupancy.
- (1) The Zoning Officer or a Zoning Officer designee shall inspect any structure, building, sign and/or land or portions thereof and shall determine the conformity therewith. If the Zoning Officer is satisfied that the completed work is in conformity with this chapter and with the work listed in the zoning approval, the Zoning Officer shall issue a certificate of use and occupancy.
 - (2) A certificate of use and occupancy shall be granted or refused in writing not more than 10 days from the date of receipt of the application.
 - (3) A complete set of as-built drawings shall be submitted for review and acceptance by the township for any construction or use requiring a site plan review under Article IV, § 240-19, or for any permitted activity where compliance with regulations requires clarification as determined by the Zoning Officer.
- C. Inspection fee. Each application for a certificate of use and occupancy shall be accompanied by cash, check or money order made payable to Richland Township in the amount set by resolution by the Township Supervisors.

§ 240-95. Schedule of fees.

- A. Each application for site plan approval or zoning approval shall be accompanied by cash, check or money order payable to Richland Township in accordance with the schedule of fees as set by resolution by the Township Supervisors.
- B. Payment of the approval fees does not obligate the Zoning Officer or Richland Township to grant the approval to the applicant.
- C. All approvals issued must be in conformance with the provisions of this chapter and, in the event that approval is not issued, the approval fee(s) shall not be refundable.

9. Editor's Note: See Ch. 138, Floodplain Management.

§ 240-96. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or any regulations made pursuant thereto, the proper township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the use of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

§ 240-97. Violations and penalties.

For any and every violation of the provisions of this chapter or the terms of a building permit issued, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the owners, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall, upon being found liable therefor, in a civil enforcement proceeding commenced in the name of Richland Township, pay a judgment of not more than \$1,000, plus all court costs, including reasonable attorneys' fees incurred by Richland Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by a District Justice. If the defendant neither pays nor timely appeals the judgment, Richland Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this zoning chapter shall be paid over to Richland Township.

§ 240-98. Power of amendment.

- A. The Board of Township Supervisors may, from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the following manner:
- (1) The Planning Commission may initiate action by filing a written report to the Township Supervisors.
 - (2) The Board of Township Supervisors may initiate action on their own.

- (3) The owner or owners of 50% percent or more of frontage of the properties and 50% percent or more of the number of properties between two intersecting streets may submit a notarized petition to the Township Supervisors.

B. Petition for amendment.

- (1) Form and content. Petitions for amendment, supplement, change modification or repeal of the regulations prescribed for or of the Zoning Map, including the district or any part thereof, shall be on forms supplied by the Township Planning Commission. A narrative description which defines the limits of the requested change by street name or recognizable physical feature, states the specific reason for the requested amendment and states the specific use, type of development and type of structure to be erected under the proposed amendment shall be submitted. A map and/or preliminary site plan of the area to be affected by the petition shall also be submitted to the Township Planning Commission for reference and review by that Commission and copies forwarded to the Cambria County Planning Commission for its review.
- (2) Preliminary review by Planning Commission. After the facts presented and the data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall, within 15 days after the regularly scheduled meeting, submit the petition with its preliminary recommendations to the Township Supervisors. The preliminary report by the Planning Commission is not intended to establish final approval by the Commission but rather to serve as a means of providing a format of action and review by the Township Supervisors.

C. Action by Township Supervisors.

- (1) Subsequent to the introduction of the petition for zoning change and preliminary report by the Planning Commission to the Township Supervisors, the Supervisors shall fix a time for a public hearing.
- (2) Notice of the time and place of the public hearing for consideration of the proposed amendment, stating when and where a copy of the proposal will be available for public inspection and briefly describing the change proposed, shall be given by the following method:
 - (a) By publishing a notice once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than seven days from the date of the hearing.
 - (b) By mailing a notice thereof to every resident or association of residents in the township who have registered their names and addresses for this purpose with the Zoning Hearing Board.
 - (c) Posting of a similar notice at the township offices.
 - (d) If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer at points

deemed sufficient along the perimeter of the tract to notify potentially interested citizens at least one week prior to the date of the hearing.

- D. Conduct of public hearings. The Township Supervisors or an examining officer appointed by the Township Supervisors shall be responsible for the conduct of the public hearing.
- (1) The purpose of the public hearing is to receive relevant facts, data and other material desirable and necessary for a decision on the petition for change.
 - (2) The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - (3) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - (4) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - (5) The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- E. Final report by Planning Commission.
- (1) Within 30 days following the public hearing, the Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change. The Commission shall make a final report on each bill setting forth in detail reasons wherein public necessity, convenience and general welfare do or do not justify the proposed change and determining that the change is or is not in accord with the general objectives of the Comprehensive Plan and good zoning practices and shall forward its findings and recommendations to the Township Supervisors.
 - (2) If the Planning Commission fails to file such a report within the specified time in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change. In any event, the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Township Supervisors or other parties to the issue.
- F. Final action by the Township Supervisors.
- (1) The passage of an ordinance amending, supplementing or changing the regulations, district boundaries or classification of property, now or hereafter established by this chapter, shall require the affirmative vote of three members of the Board of Township Supervisors.

- (2) Any ordinance amending, supplementing or changing the regulations, district boundaries or classifications of property hereinafter established by this chapter, if not passed by the Supervisors within 90 days after the required public hearing, shall require a new public hearing as prescribed under Subsection D of this section.

G. Curative amendments.

- (1) A landowners who desires to challenge on substantive grounds the validity of this chapter or Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Subsection D hereof. The Township Supervisors shall commence a hearing thereon within 60 days of the request. The curative amendment shall be referred to the Planning Commission and the Cambria County Planning Commission. In considering the curative amendments, plans and explanatory material submitted by the petitioner, the Board of Supervisors shall also consider the factors outlined in Section 609.1(c) of the Pennsylvania Municipalities Planning Code, as amended.¹⁰
- (2) Notice of the curative amendment application shall be given in accordance with Subsection C hereof.

- H. Fees. Any person other than the Township Supervisors or Planning Commission requesting an amendment of this zoning chapter (including a curative amendment) shall pay a fee as set by resolution by the Township Supervisors at the time the request is filed by the Township Secretary. The fee shall defray the costs of advertising of the aforesaid notice, the cost of stenographic service and any other expenses incurred in connection therewith, as provided by law; provided, however, that the aforesaid costs and expenses do not exceed the amount provided; any difference shall be refunded to the applicant. In the event that the aforesaid costs and expenses exceed the amount set, the applicant shall reimburse the Secretary of the township for such excess.

ARTICLE XVI
Zoning Hearing Board

§ 240-99. Creation, appointment and organization

- A. Creation and membership. There is hereby established a Zoning Hearing Board. The membership of the Board shall consist of five residents of the township appointed by the Board of Supervisors. The members of the Board shall be appointed for a five-year term, however, the terms of the first Board members appointed shall be for a term of one, two, three, four and five years so that each year a Board member's term expires. 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. The Board of Supervisors may appoint one, two or three residents of the township to serve as alternate members of the Zoning Hearing Board. If, by reason of absence or

10. Editor's Note: See 53 P.S. § 10101 et seq.

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 and rotation according to the declining seniority among all alternates. Members of the Board and alternates shall hold no other office in the township.

- B. Removal of members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received 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.
- C. Organization. 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 the 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. 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 and shall submit a report of its activities to the Board of Supervisors once a year.
- D. Expenses. Within the limits of funds appropriated by the township, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties as may be fixed by the township.

§ 240-100. Powers and duties.

- A. General statement of powers. The Zoning Hearing Board shall function in strict accordance with and pursuant to the Pennsylvania Municipalities Planning Code,¹¹ as amended, and shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.¹²
 - (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

11. Editor's Note: See 53 P.S. § 10101 et seq.

12. Editor's Note: See 53 P.S. § 10101 et seq.

- (3) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefor or the issuance of any cease and desist order;
 - (4) Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of the Township Floodplain Ordinance.¹³
 - (5) Applications for variances from the terms of this zoning chapter and the Floodplain Ordinance.
 - (6) Applications for special exceptions under this zoning chapter or the Floodplain Ordinance.
 - (7) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended.¹⁴
 - (8) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Pennsylvania Municipalities Planning Code, as amended.
 - (9) To hear and decide requests for uses as authorized by §§ 240-32A(10), 240-38A(3), 240-62A(62), 240-67A(14), 240-74B(28), 240-80A(32) and 240-87A(20). The applicant shall first appear at a hearing held in accordance with § 240-101 before the Zoning Hearing Board to establish that the proposed use is compatible with the inherent purposes and uses described in the applicable use district. If the Zoning Hearing Board determines that the proposed use is permitted within the applicable use district, and subject to any conditions imposed upon the applicant by the Zoning Hearing Board, the applicant shall, except for §§ 240-32A(10) and 240-38A(3) uses, submit to the Planning Commission a site plan containing the information required in § 240-19 and the district in which the property is located. The Planning Commission shall thereafter act upon the site plan in accordance with § 240-19 and its rules and procedures and shall, in addition, require that the site plan shows an intent to comply with the conditions, if any, imposed by the Zoning Hearing Board.
- B. The standards for review of proposed variance, special exception or §§ 240-32A(10), 240-38A(3), 240-62A(62), 240-67A(14), 240-74B(28), 240-80A(32) and 240-87A(20) uses.
- (1) In any instance where the Zoning Hearing Board is required to consider a request for variance, special exception or use grant as authorized in §§ 240-32A(10), 240-38A(3), 240-62A(62), 240-67A(14), 240-74B(28), 240-80A(32) and 240-87A(20), the Zoning Hearing Board should determine that the following guidelines are met before granting the request:

13. Editor's Note: See Ch. 138, Floodplain Management.

14. Editor's Note: See 53 P.S. § 10101 et seq.

- (a) The size, scope, extent and character of the special exception, variance or use requested is consistent with the Comprehensive Plan of the township and promotes the harmonious and orderly development of the zoning district involved.
 - (b) The proposed change or modification constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter or detract from the use of surrounding property or the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition of use for which applicant seeks approval.
 - (c) The proposed use is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
 - (d) Major street and highway frontage will be developed so as to limit the total number of access points and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the major street or highway.
 - (e) The proposed change is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection and public schools, and assure adequate arrangements for sanitation in specific instances.
 - (f) All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night while in use and arranged so as to comply the requirements of Article XVIII dealing with special regulations and relating to access and highway frontage.
 - (g) Conditions are being imposed on the grant of the request necessary to ensure that the general purpose and intent of this zoning chapter is complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.
 - (h) The proposed change protects and promotes the safety, health, morals and general welfare of the township.
 - (i) For further provisions relating to special exceptions, see Article XVII hereof.
- (2) In addition, to approve a proposed variance the Board must also find, where relevant to given causes:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this zoning chapter in the neighborhood or district in which the property is located.
 - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this zoning chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship has not been created by the appellant.
 - (d) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the last modification possible of the regulation in issue.
- C. Powers relative to items not included in zoning chapter. The Zoning Hearing Board shall have the power to make a ruling on all land use items not specifically detailed in this chapter.
- D. Exercise of powers. In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and such order, requirement, decision or determination as ought to be made and, to that end, shall have all powers of the officer from whom the appeal is taken. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.
- E. Required action. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to allow any variation of this chapter.
- F. Appeal from action of the Board. Any party before the Board or any office or officer of the township or the Supervisors may appeal to the Court of Common Pleas. All zoning appeals shall be filed with the prothonotary not later than 30 days after issuance of the notice of the decision or report of the Board. Appellant's procedure shall follow the requirements of the Pennsylvania Municipalities Planning Code, Act 247.¹⁵
- G. Fees.
 - (1) Any person other than the Township Supervisors or Planning Commission requesting a hearing before the Zoning Hearing Board shall pay the following fees which shall defray the costs of the Zoning Hearing Board proceedings, including compensation of the Secretary and members of the Board, costs of notice and

15. Editor's Note: See 53 P.S. § 10101 et seq.

advertising and necessary administrative overhead expenses. The appearance fee for the stenographer shall be paid equally by the applicant and the Board. Transcription costs are to be paid by the party requesting a transcript, whether original or a copy; however, in a case of an appeal, the cost of the transcript shall be paid by the party appealing the decision.

- (a) Basic fee. Applicants for variances, special exceptions and all other appeals shall pay a fee as set by resolution by the Township Supervisors, except as challenges filed pursuant to Section 909.1(a)(1) of the Pennsylvania Municipalities Planning Code, as amended,¹⁶ in which event the fee shall also be as set by resolution by the Township Supervisors.
- (b) Additional fee. If actual costs exceed the fee charged, the applicant shall promptly pay the difference upon billing by the township. No permit/approval shall be given until payment of any outstanding fee is received by the township.

§ 240-101. Procedure.

- A. Rules. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, including, but not limited to, exceptions and variances.
- B. Appeals and requests to the Zoning Hearing Board.
 - (1) Appeals to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the township or any person aggrieved. Such appeal shall be taken within the time required by the Pennsylvania Municipalities Planning Code or as provided by the rules of the Zoning Hearing Board by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof.
 - (2) The Zoning Officer shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. Requests for a variance or special exception may be filed by any landowner or any tenant with permission of the landowner. The appropriate fee, established by the township, shall be paid in advance for each appeal or application for a special exception or variance to cover advertising costs, mailing notices and charges of the stenographer for taking the notes of testimony; provided that, if more than ten pages of testimony are taken in any case, the appellant or applicant shall reimburse the township for the cost of such additional testimony.
- C. Hearings and notices. Upon the filing with the Zoning Hearing Board of an appeal or an application for a special exception or variance from the terms of this chapter, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing thereon and shall give public notice thereof, as well as due notice to the parties in interest, and shall decide the same in writing within 45 days after the hearing. Each written decision shall be accompanied by findings of fact and conclusions based thereon, together with the

16. Editor's Note: See 53 P.S. § 10101 et seq.

reasons thereupon in accordance with Section 908(9) of the Municipalities Planning Code.¹⁷ If the Zoning Hearing Board does not make a written decision within 45 days after the hearing or continued hearing, it shall be deemed that the Zoning Hearing Board has decided in favor of the applicant. Any party may appear at a public hearing in person or by agent or attorney. The notice of public hearing shall state the location of the building or lot and the general nature of the question involved and shall be given as follows:

- (1) By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the township and not more than 30 days nor less than seven days prior to the hearing.
- (2) By mailing a notice thereof to the applicant, the Zoning Officer, Township Manager and any person who has made timely request for same.
- (3) By mailing a notice thereof to every resident or association of residents in the township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.
- (4) By mailing notice thereof to the owner, every lot on the same street within 500 feet of the lot in question and of every lot not on the same street within 150 feet of said lot; provided that failure to mail the notice required by this section shall not invalidate any action taken by the Zoning Hearing Board. All hearings shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (53 P.S. 10908) as amended.
- (5) Notice of the hearing shall be conspicuously posted on the affected tract of land.
- (6) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined.

§ 240-102. Expiration of special exceptions and variances.

Unless otherwise specified by the Zoning Hearing Board, a special exception, variance or use approved pursuant to § 240-100A which has been authorized by the Zoning Hearing Board shall expire automatically, without further notice by the township to the applicant, if the applicant fails to obtain the zoning approval or use certificate issued by the Zoning Officer and/or the building permit issued by the Codes Enforcement Officer within six months from the date of authorization thereof.

17. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XVII
Special Exceptions

§ 240-103. General provisions.

The following special exceptions are permitted in specific district classifications. They are subject to the general criteria against which all requests for special exceptions are evaluated which are located in Article XVI, § 240-100. In addition, approval of such special exceptions is subject to the following conditions:

- A. Such use shall be one which is specifically authorized as a special exception use in the district in which it is to be located.
- B. Such permits shall only be granted subject to any applicable conditions and safeguards required by this chapter.
- C. Such permit may be granted subject to any additional conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- D. Such use shall be found by the Board to be in harmony with the general purposes and intent of this chapter.
- E. Such use shall not adversely affect the character of the district nor the conservation of property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- F. Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- G. Such use shall not conflict with the direction of buildings development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Planning Commission.
- H. Within 10 days after an application for a special exception is filed, the application and accompanying plans shall be submitted to the Township Supervisors for their review and recommendations. If the Township Supervisors fail to file their recommendations within 10 days of receipt of the application by them, it shall be presumed that they have no recommendation. In any event, the recommendation of the Township Supervisors shall be regarded as advisory only to the Zoning Hearing Board and shall not be binding under any circumstances.

§ 240-104. Special exception conditions,

The following conditions shall apply to special exceptions that are permitted in certain specified districts.

- A. **Planned residential development.** A planned residential development may be permitted as a special exception in an R-2, R-3 and R-4 Residential District to encourage renovations in residential development so that the growing demand for housing may be met by greater variety in type, design and layout of single-family dwellings and multifamily

dwelling and by conservation and more efficient use of open space ancillary to said dwelling and uses; so that greater opportunities of better housing and recreation may extend to all citizens; and in order to encourage a more efficient use of the land and of public services and to reflect changes in the technology of land development so that economies secured may endure to the benefit of those who need homes. In aid of these purposes, and to ensure that the increased flexibility of regulations authorized herein and the requirements set forth within this chapter and by Article VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended, are carried out, the following standards for planned residential development is herewith ratified:

(1) Submission procedure.

- (a) The proposed planned residential development shall have a three-phase approval procedure in order to provide a expeditious method for processing the development plan.
- (b) An application for the planned residential development, complete with approvals from all utilities, a statement outlining the development objectives setting forth the reasons why, in his/her opinion, a planned residential development would be in the public interest and consistent with the standards herewith set forth and an initial draft of the proposed development, shall be filed on behalf of the landowner to the Planning Commission for an initial review at their regular meeting. The Planning Commission shall review the submission for compliance with the procedures set forthwith in this section, Article VII of the Pennsylvania Municipalities Planning Code, the Richland Township Subdivision Ordinance¹⁸ and all applicable ordinances of Richland Township. Within 10 days of the review, the Planning Commission shall give a written report to the developer and the Zoning Hearing Board.
- (c) Within 60 days after tentative approval from the Planning Commission, the developer shall file application for a special exception to the Zoning Hearing Board. A public hearing pursuant to public notice on said application shall be held by the Zoning Hearing Board in the manner prescribed within Article XVI of this chapter and Article IX of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board shall review the development plans for compliance with the standards, conditions and regulations set forth within the provisions of this article. The Zoning Hearing Board shall make a written decision to the developer and the Planning Commission within 45 days after the hearing.
- (d) Within 60 days after the approval from the Zoning Hearing Board, the preliminary plans, along with all supporting documents, shall be submitted to the Planning Commission for their review in accordance with the applicable procedures of the Richland Township Subdivision and Land Development Regulations then in effect. Final approval shall be in accordance with the applicable procedures of the Richland Township Subdivision and Land Development regulations then in effect.

18. Editor's Note: See Ch. 215, Subdivision and Land Development.

- (2) Minimum lot size. The minimum lot size for any planned residential development shall be 20 acres.
- (3) Maximum lot size. The maximum lot size for any planned residential development shall be 60 acres.
- (4) Permitted uses. The following uses are permitted:
 - (a) Single-family detached dwellings.
 - (b) Two-family detached dwellings.
 - (c) Multiple row dwellings, townhouses and garden apartments with a maximum of eight units per building.
 - (d) Multistory apartments not to exceed six stories or 60 feet above ground in height.
 - (e) Community buildings which are for the social, cultural or recreational use of the residents of the development to be located in an area to be consistent with the intent of this article.
 - (f) Open space and recreation facilities developed and maintained principally for use of residents of the development within Subsection A(6).
 - (g) Certain nonresidential uses such as buildings for convenience shopping and personal services, provided that such uses along with required parking occupy not more than 5% of the total land area of the development.
- (5) In the event that development of the entire project is proposed to be divided into several phases, the Supervisors may require the construction of all or part of the open space-recreation facilities, community buildings or nonresidential uses in the initial phase of development.
- (6) Dwelling standards.
 - (a) Single-family dwellings.
 - [1] Minimum 700 square feet living area.
 - [2] Maximum two stories and 35 feet maximum height.
 - [3] Lot width: 60 feet minimum at the building line
 - (b) Two-family dwellings.
 - [1] Maximum of eight duplexes for every one hundred single-family lots.
 - [2] Minimum of 700 square feet living area per unit.
 - [3] Maximum two stories with 35 feet maximum height.
 - [4] Lot width: 75 feet minimum at the building line.

- [5] Lot area: 10,000 square feet minimum
- (c) Apartment buildings.
 - [1] Maximum of eight units per building.
 - [2] Maximum of three stories or 45 feet in height.
 - [3] Maximum 16 units per acre
- (d) Condominiums/townhouses.
 - [1] Maximum of eight units per building
 - [2] Maximum three stories or 45 feet in height.
 - [3] Maximum 16 units per acre
- (7) Development standards and conditions. No multifamily, condominiums, townhouses or accessory buildings other than a sales office used for the activities within the development shall be constructed until the minimum size lots are sold or built upon.
 - (a) Four multifamily dwelling units may be constructed after the construction to 10 single-family dwellings or the sale of 10 single-family lots.
 - (b) The combination of eight dwelling units of multifamily, townhouses or condominiums may be constructed after the construction of 25 single-family homes or the sale of 25 single lots.
 - (c) The development must have a minimum of 33% of the dwelling units complete before the construction of any nonresidential building other than a sales office used for the activities within the development.
 - (d) The dwelling unit density shall conform to the following:
 - [1] Single family: five units per acre.
 - [2] Two-family: 10 units per acre.
 - [3] Row dwelling: 16 units per acre.
 - [4] Multistory dwellings: 16 units per acre.
 - [5] For mixed types of structures, the overall density may not exceed 12 units per acre.
- (8) Setback requirements and minimum distance between buildings and density requirements. More than one multifamily building, townhouse or condominium building may be placed on a single parcel of land with the position as detailed below:
 - (a) A minimum building setback of 70 feet shall be observed around the entire perimeter of the tract or lot used for multifamily, townhouse or

condominium. No main or accessory building may be erected within the setback area. The property abutting the planned residential development area used for multifamily dwellings must be properly safeguarded with a maintained buffer planting strip of 10 feet.

- (b) A front yard setback of 35 feet shall be observed for all buildings erected adjacent to streets.
- (c) When more than one multifamily dwelling building is erected on a single site, lot or tract, the minimum distances between buildings shall be as follows:
 - [1] Front to front: 70 feet; front to rear: 60 feet.
 - [2] Side to side: not less than 25 feet.
 - [3] Front to side or rear to side: not less than 25 feet.
 - [4] Rear to rear: not less than 50 feet.
 - [5] All parking lots associated with multifamily, townhouse, row dwelling or recreational facilities and buildings shall be a minimum of 40 feet from lot or property lines.
 - [6] All buildings, including accessory buildings, shall cover not more than 35% of the area of the lot.
- (d) Single- and two-family.
 - [1] Front yard of 35 feet.
 - [2] Rear yard of 35 feet.
 - [3] Side yard of 10 feet.
 - [4] Side yard of corner lot: 35 feet.
- (9) Roads and utilities. All improvements, stormwater systems, sanitary sewers, water lines, signs and utilities must be installed as per the standards of the appropriate authority and the Subdivision Ordinance of Richland Township¹⁹ for the acceptance by the township and the appropriate authority. The road right-of-way shall be 50 feet minimum in width, with a paved cartway between concrete curbs of 22 feet.
- (10) Public open space required. At least 250 square feet per family unit shall be set aside and maintained for an outdoor recreation area by the owner of the development, his successors and assigns and shall be developed with recreation equipment and playground area, including a six-foot high fence around the entire perimeter with appropriate gates. In lieu of maintenance by the developer, an association of homeowners in the development may provide such maintenance, but documents creating such an association shall be approved by the Township

19. Editor's Note: See Ch. 215, Subdivision and Land Development.

Solicitor before final approval is given for the planned residential development. Should neither the developer nor an approved homeowners' association maintain the public open space required in this subsection, then the township shall have the option to maintain the public open space and, if it chooses to do so, impose a lien on the individual properties in the development to collect the costs of such maintenance.

- (11) Site improvement standards. The developer or owner of any planned residential development shall be responsible for the engineering, construction, installation and maintenance of site improvements as follows:
- (a) Engineering site plan required. An engineering site plan shall be prepared by a registered surveyor or registered professional engineer and filed with the Township Supervisors prior to the start of any construction of an approved Planned residential development. The site plan shall be drawn at a minimum scale of one inch equals one hundred feet and shall indicate the exact location and dimensions of all buildings, streets, sidewalks, roads, parking areas, water lines, sanitary sewer lines, telephone lines, recreation areas, landscaping, walls, fences, right-of-way lines, property lines and any other features to be constructed or installed on the site. A topographic map shall be prepared at a minimum scale of one inch equals one hundred feet with a contour interval of five feet and shall indicate all existing and final grades for the site; spot elevations shall be indicated for streets, storm and sanitary sewers and other elevation features as deemed appropriate and necessary by the Zoning Officer.
 - (b) Perimeter survey. A perimeter survey of the parcel to be developed as a planned residential development shall be prepared by a registered surveyor. Permanent concrete markers, with a minimum standard of six inches by six inches by thirty inches with a copper rod, shall be installed on all corners around the perimeter of the site. The survey shall tie directly into adjoining property.
 - (c) Street paving. The engineering, construction, installation and maintenance of all streets within the planned residential development shall be the sole responsibility of the developers and shall be in accord with minimum township standards as set forth in the Richland Township Subdivision and Land Development Ordinance²⁰ then in effect.
 - (d) Street signs and street lights. Street signs and street lights shall be installed and maintained by the developer as required by the Richland Township Subdivision and Land Development Ordinance then in effect.
 - (e) Water lines and fire hydrants. The installation of all water lines, including fire hydrants, shall be in accord with requirements and specification of the Sewer and Water Authority having jurisdiction and Richland Township.

20. Editor's Note: See Ch. 215, Subdivision and Land Development.

Detailed engineering plans and specifications shall be filed with both the township and the Sewer and Water Authority having jurisdiction.

- (f) Sanitary sewers. The installation of all sanitary sewers shall be in accord with plans and specifications submitted to and approved by the Sewer and Water Authority having jurisdiction.
 - (g) Storm sewers. The installation of a storm sewer system shall be in accord with plans and specification filed with and approved by Richland Township.
 - (h) Curbing. All curbing shall be as per township specifications and approved by Richland Township.
 - (i) Off-street parking and loading facilities shall be provided as required or permitted under § 240-105 herein.
- (12) Final plat. A final plat as described in the Richland Township Subdivision and Land Development Ordinance then in effect shall be completed and submitted to Richland Township for revision and approval. Said final plat shall be recorded as required by the Richland Township Subdivision and Land Development Ordinance then in effect.
- B. Hospital and nursing home. A hospital or nursing home may be permitted as a special exception in an R-3 or an R-4 Residential District and a nursing home may be permitted as a special exception in a C-3 Office Commercial District with the minimum requirements as hereinafter set forth.
- (1) Height: as permitted in each district.
 - (2) Lot area. The minimum lot area shall be two acres.
 - (3) Yard areas: as required in each district.
 - (4) Percentage of lot coverage: as permitted in each district.
 - (5) Site plan: as required under Article IV, § 240-19 herein.
 - (6) Off-street parking facilities: as required under Article XVIII herein.
- C. Rooming house. A rooming house may be permitted as a special exception in an R-2 or an R-3 Residential District provided that it does not accommodate more than four boarders and meets the requirements of a single dwelling in the district.
- D. Mobile home park. A mobile home park may be permitted as a special exception in the R-3 Residential District with the minimum requirements as hereinafter set forth. Mobile homes may be permitted as a special exception in any district for the use of a watchman or security guard. No mobile home park shall be located or constructed in a manner or at a location inconsistent with the Richland Township Floodplain Ordinance.²¹

21. Editor's Note: See Ch. 138, Floodplain Management.

- (1) Lot area. The minimum area for every mobile home park hereafter developed shall be 10 acres.
- (2) Plot plan. Each application shall be accompanied by three copies of a plot plan drawn at a scale of one inch equals twenty feet, prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed mobile home park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings and mobile home lots, together with required setbacks from rights-of-way and property lines. All mobile home lots shall be numbered in sequence on the plot plan.
- (3) Minimum lot area for each mobile home. The minimum unit area for each lot used or occupied by and under each mobile home shall be as follows:
 - (a) Seventy-five percent of the lots in one mobile home park shall be not less than 2,600 square feet in area.
 - (b) Twenty-five percent of the lots in any one mobile home park shall be not less than 2,100 square feet in area.
 - (c) Density in any mobile home park shall not exceed 10 units per gross acre.
- (4) Minimum width of mobile home lots. The minimum width of each mobile home lot shall be 35 feet.
- (5) Minimum distance between mobile homes. No mobile homes shall be placed within 20 feet another; provided that, with respect to mobile homes parked end-to-end, the distance between mobile homes so parked shall be not less than 25 feet.
- (6) Setbacks. The distance between mobile homes and the mobile home park boundary shall be not less than the yard setback required in the zoning district which abuts each boundary line. In no case shall a mobile home be parked less than 25 feet from the mobile home park boundary.
- (7) Mobile home stands. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, rotation and overturning.
- (8) Permanent markers. Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.
- (9) Streets and driveways.
 - (a) The lane or driveway on which an individual mobile home lot fronts shall be not less than 28 feet in width. In cases where driveways dead-end, there shall be constructed at each deadend a cul-de-sac with a minimum turning radius of 40 feet.

- (b) All streets and driveways shall be paved in accordance with standards and specifications required for local streets in the Richland Township Subdivision Regulations then in effect. All construction material for such roads shall meet established township requirements. Where any mobile home park has an entrance from a state highway, approval of said entrance from the State Department of Transportation must be secured before said development is approved.
- (10) Water and sewer facilities. An adequate supply of water approved by the Pennsylvania Department of Environmental Protection shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each mobile home lot. In each mobile home park, all waste water from a faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with state and township regulations.
- (11) Service buildings. Each mobile home park shall provide service buildings to house the following facilities:
 - (a) All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.
 - (b) All service buildings shall be adequately lighted at all times of the day and night, shall be well ventilated, shall be constructed of such moistureproof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than 68° F. during the period from October first to May first.
 - (c) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.
- (12) Storage tanks. Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all county, state and national fire prevention code regulations.
- (13) Playgrounds. The purpose of this subsection is to provide for areas and facilities for recreational purposes appropriate to the needs of the occupants. At least 250 square feet of playground space shall be developed and maintained for each mobile home lot. Each mobile home park must provide not less than one playground, and no playground shall be less than 2,500 square feet in area. Such areas shall be used exclusively for playground purposes.
- (14) Additions to mobile homes. No permanent or semipermanent structures shall be affixed to any mobile home as an addition to such mobile home, nor shall any accessory structure be permitted on any mobile home lot except one accessory building per mobile home not to exceed 120 square feet in area, and further excepting those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory building to a

mobile home or mobile home lot shall not apply to a canopy or awning designed for use with a mobile home. The mobile home and any accessory building shall not exceed 40% of the total mobile home lot.

- (15) Parking shall be provided as follows:
- (a) Off-street parking shall be provided at the rate of two spaces for each mobile home lot.
 - (b) All parking areas shall be paved in accordance with paving standards established by the township.
- (16) General conditions. All procedures for development of a mobile home park shall be the same as required for a use by special exception as specified in these zoning regulations.
- E. Sanitary landfill or similar waste disposal site. A sanitary landfill or similar waste disposal site may be permitted in the M Manufacturing District, provided that the operator meets all regulations and requirements of the Pennsylvania Solid Waste Management Act,²² the Cambria County Solid Waste Management Study and the Pennsylvania Department of Environmental Protection.
- F. Storage yard and buildings for contractor or excavating equipment. A storage yard and buildings for contractor or excavating equipment may be permitted as a special exception in L, M and C-2 Districts on a tract of land greater than two acres as follows:
- (1) Storage yard for trucks, tractors, earth moving equipment and similar types of equipment, provided that the equipment or storage yard is set back a minimum distance of 25 feet from the nearest property line and the area is properly screened from adjacent properties.
 - (2) Storage of materials and supplies customarily incidental to the operation of a contractor's business, provided that all materials are stored within an enclosed building or structure.
- G. Billboards. Billboards not to exceed 300 square feet may be permitted by the grant of a special exception by the Zoning Hearing Board, provided that it shall:
- (1) Not be located closer than 50 feet to a public right-of-way.
 - (2) If attached to a building, not project above the ridge line of a sloping roof nor the eaves line of a flat roof.
 - (3) If freestanding, not to exceed 20 feet in height, measured from the ground to the top of the sign.
 - (4) Be on a parcel or lot not abutting or opposite a frontage in an R District unless the advertising face is not visible from the R District.

22. Editor's Note: See 35 P.S. § 6018.101 et seq.

- (5) Be no nearer than 300 feet to any R District if illuminated unless the advertising face is not visible from the R District.
- (6) Be no nearer than 300 feet to any church, school, park, playground or recreational area owned and operated by a public body.
- (7) Be no nearer than 400 feet to the center line of any restricted or limited access highway or the access ramps thereto if the face of the sign is visible therefrom.

H. Surface mining.

- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

MINERALS — Includes, but is not limited to, bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

SURFACE MINING — Any extraction of any mineral which involves removal of the surface of the earth or exposure of the mineral or substance of the earth, wind, rain or sun or other elements of nature for sale or commercial purposes.

- (2) Regulations of surface mining by special use permit in order to protect public health, safety and welfare by controlling the location of surface mining in relation to other land activities. Use and occupancy of land for surface mining in R-2 (as modified in § 240-38 B), L-1 and M Districts shall be permitted as a special exception, provided that the applicant can show by sufficient substantial evidence that the mining operation:
 - (a) Will not occur within 100 feet of a public road.
 - (b) Will not occur within 300 feet of an incompatible use district.
 - (c) Will not disturb the natural vegetation within 100 feet of a watercourse.
 - (d) Will not occur within 300 feet of any public park, public building or other public institution, places having unique historic or patriotic interest or value (unless the owner of the site or the governmental body having jurisdiction over the site has consented to the mining operation).
 - (e) Will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties.
 - (f) Will not injure any public, private residential or agricultural water supply source, and a copy of the surface and ground water monitoring plan must be submitted in the application for special exception.
 - (g) Will not adversely affect any public land or land used for a public purpose.
 - (h) Will not adversely affect the logical, efficient and economical extension of public services and facilities throughout the municipality.

- (i) Will serve the best interest of the municipality, the convenience of the community and the public welfare.
 - (j) Will result in the land area subject to the application being placed in a condition which will allow the use of that land for economically and ecologically productive uses of the type permitted in the zoning district or districts in which that land is located upon completion of the mining operation.
 - (k) Will meet such reasonable conditions and safeguards as the Zoning Hearing Board may require to protect the public health, safety and welfare in accordance with the spirit and purpose of this zoning chapter, including, but not limited to, setback requirements, buffer zones, provisions for adequate access to the mine site and the routing and hours of operation of trucks and other vehicles serving the mine operation through the municipality and the minimizing of noxious, offensive and hazardous conditions resulting from the existence and operation of the mine and to provide for the posting of a bond to provide for the reconstruction of any township roads adversely affected by the mining operation.
 - (l) Will not occur within 300 feet from any occupied dwelling unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for special use permit.
 - (m) Will not occur within 100 feet of a cemetery.
 - (n) Will not represent a danger of flooding in areas downstream.
- (3) Application for use permit. Acquisition of a special use permit shall be subject to an application petition. The application petition must be accompanied by the fee set by resolution which will be used to defray the cost of the initial application process. The applicant shall bear all costs of the initial application process should those costs exceed the fee set by resolution. Contemporaneous with the applicant's petition for a hearing for the granting of a special use permit, the applicant must submit with his petition the following information in writing:
- (a) The location of the proposed surface mining operation.
 - (b) The anticipated depth of any excavation.
 - (c) The depth of the existing water table.
 - (d) The probable effect of the mining operation on the existing water table or confined aquifer.
 - (e) The relationship of the mine site to surface watercourses and bodies of water (in excess of 10 acres).
 - (f) The established water quality of surface waters which may be affected by the mining operation.

- (g) The probable effect of the mining operation on the quality of those surface waters. (The Board may require the applicant to prepare studies of the present water quality of surface or underground waters which may be affected by the proposed mining operation and receive other qualified evidence on water quality.).
 - (h) The nature and content of the overburden to be removed in the course of mining.
 - (i) The underlying strata in which the minerals to be mined are located.
 - (j) The probable effect of blasting and other excavation methods upon lawful existing and permitted uses in the area surrounding the proposed mine site.
 - (k) The applicant shall attach to his application a copy of his own mine drainage application filed with the state and/or federal authorities.
- (4) Preliminary hearing. The application shall be subject to a two-step hearing before the Zoning Hearing Board. The preliminary hearing shall be to establish the prerequisites to the granting of the special exception. The preliminary hearing shall be held within 45 days of the submission of the application, the application fee and the information required by Subsection H(3) above. The applicant must show by substantial evidence on the record as a whole that the mining operations comply with the requirements set out in Subsection H(2) above. The hearing shall be open to the public, and all interested parties shall be permitted to present testimony unless such testimony is merely cumulative.
- (5) Application to be reviewed by the Planning Commission.
- (a) The Zoning Hearing Board shall forward one copy of all applications for a special use permit for surface mining and a copy of the record of the hearing to the Planning Commission immediately upon receipt for review and comment by that agency on all aspects of the application as they relate to the purposes and requirements of this chapter. The Planning Commission shall prepare a report on the application within 45 days of the original hearing. The report shall be presented to the Zoning Hearing Board by an authorized representative of the Planning Commission. The report shall contain recommendations and any conditions the Planning Commission feels are necessary for accomplishment of the purposes of this chapter.
 - (b) Such conditions may include but shall not be limited to:
 - [1] Tarps over all coal trucks using township roads.
 - [2] Limiting truck routes.
 - [3] Limiting level of noise as measured at any occupied building.
 - [4] Limiting levels of dust and other pollutants as measured at any occupied building.

- [5] Requiring blasting notices to owners and occupiers of dwellings up to one-half mile from the site.
 - [6] Times of the day and days of the week during which surface mining may occur.
 - [7] Public liability insurance to protect against claims for bodily injury and property damage.
- (6) Final order of the Zoning Hearing Board. Within 20 days of receipt of the report and recommendation of the Planning Commission, the Zoning Hearing Board shall make a final order either denying the application or granting the application subject to those recommendations of the Planning Commission which the Board believes are required to effectuate the policies and purposes of this chapter.
 - (7) Regulation of the maximum acreage available for active surface mining. The Zoning Hearing Board shall have no power to grant special use permits covering more than 100 acres of ground in Richland Township at any one time nor shall there be more than a combined total of 100 acres of ground in Richland Township being surface mined at any given point in time, regardless of the number of surface mining operations. For the purposes of this provision, strip mines which were abandoned according to the definition in 52 Pa.C.S. § 1396.3 of Act No. 147 of November 20, 1971, upon which an applicant wishes to engage in surface mining, shall not be counted towards the one-hundred-acre limit, provided that the applicant meets all other conditions of the Act.
 - (8) State and federal regulations. No mining operations shall be conducted under a special use permit issued pursuant to this chapter unless the mine operator shall have a currently valid permit to conduct surface mining operations issued by the appropriate state or federal agency having regulatory authority over the conduct of the surface mining operations. The applicant must also comply with all state and federal regulations of surface mining operations.
 - (9) Time limit of special use permits. Special use permits for surface mining granted by the Zoning Hearing Board shall remain in effect for two years; at the end of this time, the holder of a special use permit must reapply for an extension of two years for the permit from the Zoning Officer. The holder shall pay a renewal fee of \$1,000. If the Zoning Officer is not satisfied that the permit holder has complied with all conditions of the permit and all applicable regulations, he may refuse the renewal. The decision to grant or refuse the extension of the permit shall be made in not less than three nor more than 10 days from the date of receipt of the application for the extension. The permit holder shall have 10 days from the denial of renewal to appeal the decision of the Zoning Officer to the Zoning Hearing Board and shall pay the sum of \$500 to defray the cost of the appeal proceedings. Should the cost of the appeal proceedings exceed the five-hundred-dollar fee, the permit holder shall pay those costs in excess of the five-hundred-dollar fee.
 - (10) Enforcement of requirements of this chapter.

- (a) The Zoning Officer shall, on his own motion or upon receipt of any information concerning the violation of the permit conditions or this chapter or of any applicable state or federal regulation, conduct an investigation. If the Zoning Officer determines there is a violation, he may order a revocation of the permit and a termination of surface mining activities. The order shall be sent to the permit holder's principal place of business.
 - (b) The permit holder may appeal an adverse order of the Zoning Officer to the Zoning Hearing Board within 30 days and shall pay the sum of \$500 to defray the cost of the appeal proceedings. Should the cost of the appeal proceedings exceed the five-hundred-dollar fee, the permit holder shall pay those costs in excess of the five-hundred-dollar fee.
- (11) Zoning Hearing Board appeals. When a permit holder appeals an adverse order of the Zoning Officer under Subsection H(9) and (10) of this chapter, he must be granted a hearing within 30 days of the filing of this appeal. At that hearing, the Zoning Hearing Board shall take testimony from all interested parties unless the testimony is cumulative. The Zoning Hearing Board shall reverse, modify or affirm the order of the Zoning Officer within 30 days after the hearing.
- I. Home occupations. A home occupation shall be permitted as a special exception in R-1, R-2, R-3 and R-4 Residential Districts where the following criteria are satisfied.
 - (1) The proposed use shall be consistent with the definition of a home occupation set forth in § 240-9 of this chapter.
 - (2) Off-street parking relating to the home occupation shall be limited to not more than three spaces for motor vehicles in excess of the number of motor vehicles registered to the occupants residing at the residence in which the home occupation is conducted.
 - (3) The Zoning Hearing Board may impose such other reasonable conditions upon the home occupation as may be necessary or as may be reasonably related to the guidelines set forth in § 240-101B of this chapter.
- J. Sewage sludge.
 - (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

DISPOSAL — The discharge, deposit, injection, dumping, spilling, leaking or placing of any sewage sludge from a municipal or private treatment plant into or on any land in the township, provided that the spreading of poultry and livestock manure generated from conventional agricultural activities on crop land or farm land for agricultural purposes shall not be included within this term and such activity shall not be regulated by this chapter.

SEWAGE SLUDGE — As defined in Chapter 75, Page 3, of the Pennsylvania Department of Environmental Protection, Solid Waste Management Rules and Regulations, i.e., the coarse screenings, grit and dewatered or air dried sludges,

septic tanks and holdings tank pumping and other residues from sewage collection and treatment systems which require disposal.

- (2) Regulations of sewage sludge disposal by special use permit in order to protect public health, safety and welfare by controlling the location of sewage sludge disposal in relation to other land activities. Use and occupancy of land for sewage sludge disposal in the M Manufacturing District shall be permitted as a special exception, provided that the applicant can show by sufficient substantial evidence that the disposal operation:
 - (a) Will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties.
 - (b) Will not injure any public, private residential or agricultural water supply source.
 - (c) Will not adversely affect any public land or land used for a public purpose.
 - (d) Will not adversely affect the logical, efficient and economical extension of public services and facilities throughout the municipality.
 - (e) Will serve the best interest of the municipality, the convenience of the community and the public welfare.
 - (f) Will result in the land area subject to the application being placed in a condition which will allow the use of that land for economically and ecologically productive uses of the type permitted in the zoning district or districts in which the land is located upon completion of the disposal operation.
- (3) Applications for special use permit. Acquisition of a special use permit shall be subject to an application petition. The applicant must submit with its petition the following information in writing:
 - (a) A copy of its application to the Pennsylvania Department of Environmental Protection (DEP) or a permit.
 - (b) Copies of any and all materials, documents or drawings submitted with said application to DEP.
 - (c) A description of the proposed application program, including the sources of the sludge and how it is to be transported to the site, a timetable for application, a description of any storage operations, the proposed utilization rate, the total acreage involved and the useful life of the proposed site.
 - (d) A topographical drawing, prepared by a registered engineer, to a scale no greater than one inch to 200 feet showing:
 - [1] Location of the site relative to public roads.
 - [2] Identity of owners of adjacent properties.

- [3] Boundaries of the area to be used for land application.
 - [4] Location of public and private water supplies, wells, springs, streams, swamps or other bodies of water within one-fourth of one mile of the boundaries of the proposed land application site.
 - [5] Soil classifications of the land application area.
 - [6] Vegetation.
- (e) A soils and geologic report indicating the physical characteristics of the site with respect to its suitability for application of sludge. The report shall be based on available soil survey and geologic data and accompanied by field test analysis. Field tests shall include soil borings by a soil scientist to confirm that soil profile characteristics are consistent with published soil survey data.
 - (f) A chemical analysis of the sludge from each proposed source. The analysis shall involve a minimum of 10 samples. The analysis shall include the following items:
 - [1] Total moisture content.
 - [2] Percentage of total nitrogen (wet and dry weight).
 - [3] Percentage of ammonia nitrogen (wet and dry weight).
 - [4] Percentage of organic nitrogen (wet and dry weight).
 - [5] Biochemical oxygen demand.
 - [6] pH.
 - [7] Percentage on a dry weight basis of cyanide, sodium, cadmium, zinc, copper, nickel, lead, chromium, mercury, molybdenum, potassium, phosphorus, calcium, manganese, iron, aluminum, magnesium and cobalt and other toxic substances and enteric pathogens as may be required by the Zoning Hearing Board.
 - [8] Total solids.
 - (g) For all applications, there shall be an application fee accompanying an application in the minimum nonrefundable amount as set by resolution. Said application fee shall be used to offset all township costs, including township engineering fees. As and when said costs exceed the fee set by resolution, the applicant shall pay as an additional application fee the additional costs incurred upon presentation of statements by the township to the applicant.
 - (h) A copy of the agreement between the generator of the sludge or the hauler and applicator and the land owner showing provisions as to the term of the agreement, the operation to be carried out in spreading sludge and the keeping of records.

- (i) Where the proposed applications of sludge involves a leasehold arrangement between the owner of the property and the party applying the sludge, a land development plan shall be prepared and filed in accordance with the provisions of the Pennsylvania Municipalities Planning Code²³ and the Richland Township Subdivision and Land Development Regulations.²⁴
 - (j) All monitoring reports required by the Department of Environmental Protection (DEP).
 - (k) Information sufficient to show that the disposal site complies with the standards set forth in Subsection J(4) below.
- (4) Standards for issuance of special use permits.
- (a) Application of sludge to the land shall be in accordance with the currently adopted standards of the Pennsylvania Department of Environmental Protection as set forth in Chapter 75, Title 25, Rules and Regulations, Department of Environmental Protection.
 - (b) Area. No site shall be approved which contains less than 10 contiguous acres.
 - (c) Setback requirements.
 - [1] Sludge shall not be applied within 500 feet of a stream or water supply.
 - [2] Sludge shall not be applied within 50 feet of adjoining property lines.
 - [3] Sludge shall not be applied within 300 feet of occupied dwellings.
 - (d) Slope concentrations. Sludge applications shall not take place on slopes exceeding 20% percent.
 - (e) Soil coverage. Sludge applied to land shall be injected under the surface of the soil or, if spread on the surface, shall be plowed under within 24 hours.
 - (f) Weather conditions. Sludge shall not be applied when the ground is saturated, snow covered, frozen or during periods of rain.
 - (g) Waste material storage. Waste materials shall be applied to the land immediately upon delivery to the site and shall not under any circumstances be stored upon the site for any purpose or for any period of time in excess of five days.
 - (h) Sources of sewage sludge. No sewage sludge shall be permitted to be applied anywhere within the township unless its source is from a municipal or private treatment facility located within Cambria County, Pennsylvania.
- (5) Preliminary hearing. The application shall be subject to a two-step hearing before the Zoning Hearing Board. The preliminary hearing shall be to establish the

23. Editor's Note: See 53 P.S. § 10101 et seq.

24. Editor's Note: See Ch. 215, Subdivision and Land Development.

prerequisites to the granting of the special exception. The preliminary hearing shall be held within 45 days of the submission of the application, the application fee and the information required by Subsection J(3) above. The applicant must show by substantial evidence on the record as a whole that the disposal operations comply with the requirements set out in Subsection J(2), (3) and (4) above. The hearing shall be open to the public, and all interested parties shall be permitted to present testimony, unless such testimony is merely cumulative.

- (6) Application to be reviewed by the Planning and Zoning Commission.
- (a) The Zoning Hearing Board shall forward one copy of all applications for a special use permit for sewage sludge and a copy of the record of the hearing to the Planning Commission immediately upon receipt for review and comment by that agency on all aspects of the application as they relate to the purposes and requirements of this chapter. The Planning Commission shall prepare a report on the application within 45 days of the original hearing. The report shall be presented to the Zoning Hearing Board by an authorized representative of the Planning Commission. The report shall contain recommendations and any conditions which the Planning Commission feel are necessary for accomplishment of the purposes of this chapter.
- (b) Such conditions may include but shall not be limited to:
- [1] Establishment of a monitoring well to test water quality prior to, during and after the application program along with subsequent quarterly monitoring during the application program. The location of the monitoring well shall be approved by the Zoning Officer prior to the drilling. In the event that groundwater is found to flow in several directions, a monitor well for each direction may be required.
 - [2] As part of the monitoring program, a quarterly chemical analysis and laboratory testing of the sludge to be paid for at the applicant's expense to ensure that the sludge content remains within the limits established by the Pennsylvania Department of Environmental Protection and this chapter, which results shall be furnished to the township.
 - [3] As part of the monitoring program, semiannual soil analysis to be paid for at the applicant's expense to ensure that the sludge content pH remains above 6.0.
 - [4] Keeping and maintaining of records of the quantity, dates, sources and location of the sludge application, which records are to be supplied to the township upon request.
 - [5] Posting of a performance bond in order to assure that the various tests and duties imposed upon the applicant are fully performed. The applicant shall assure the township by means of a corporate bond or the deposit of funds or securities in escrow sufficient to cover the cost, as estimated by the Zoning Officer, of performing the various tests and duties imposed upon him by this chapter over the expected useful life of

the site plus five years. The bond shall be furnished under such conditions and form and with surety as be approved by the Township Solicitor to guarantee and secure that all such tests and duties are fully and adequately performed and are paid for by the applicant and that the township shall, in no event, be held liable for the cost of any such duties or tests. In lieu of a bond, the applicant may deposit cash or securities with the township or a bank or trust company to guarantee and secure the same requirements as set forth above. In the event that such cash or securities are deposited, said deposit must be made pursuant to an escrow agreement prepared and approved by the Township Solicitor. The escrow agent for the deposit of such cash or security shall be located in Cambria County and shall be subject to approval by the Township Solicitor.

- [6] Deliver to the township a liability indemnification with bond good for the useful life of the proposed site plus five years on a form to be prepared by or approved by the Township Solicitor, pursuant to the terms of which the applicant, individually and with surety, specifically agrees to fully indemnify and hold harmless the township and all of its officers, agents and employees from any and all liability, expense or damages whatsoever and litigation defense costs accruing to any of the same as a result of any use or any land in the township pursuant to the provisions hereof. The amount of the indemnification bond shall be equal to the costs of removal and/or cleanup of any site and any engineering or legal fees pertaining thereto as estimated by the Zoning Officer and Township Solicitor at the time of issuance of any permit plus 15% percent per year thereof for the useful life of the site plus five years.
- [7] Submit to the township an insurance policy covering liability for any harm to persons and/or damage to properties resulting from the aforesaid activities. Said insurance policy shall be in full force and effect for the entire duration of the above operations and for at least two years following the termination of said operations. The amount of said insurance coverage shall be specified by the Board of Supervisors based upon their judgment as to the potential for harm or damage.
- (7) Final order of the Zoning Hearing Board. Within 20 days of receipt of the report and recommendation of the Planning Commission, the Zoning Hearing Board shall make a final order either denying the application or granting the application subject to those recommendations of the Planning Commission which the Board believes are required to effectuate the policies and purposes of this chapter.
- (8) State and federal regulations. No operation shall be conducted under a special use permit issued pursuant to this chapter unless the applicant shall have a currently valid permit to dispose of sewage sludge issued by the appropriate state or federal agency having regulatory authority over the disposal of sewage sludge. The applicant must also comply with all state and federal regulations concerning the disposal of sewage sludge.

- (9) Time limit of special use permits. Special use permits for disposal of sewage sludge granted by the Zoning Hearing Board shall remain in effect for two years; at the end of this time, the holder of a special use permit must reapply for an extension of two years for the permit from the Zoning Officer. The holder shall pay a renewal fee of \$1,000. If the Zoning Officer is not satisfied that the permit holder has complied with all conditions of the permit and all applicable regulations, he may refuse the renewal. The decision to grant or refuse the extension of the permit shall be made in not less than three nor more than 30 days from the date of receipt of the application for the extension. The permit holder shall have 10 days from the denial of renewal to appeal the decision of the Zoning Officer to the Zoning Hearing Board and shall pay the sum of \$500 to defray the cost of the appeal proceedings. Should the cost of the appeal proceedings exceed the five-hundred-dollar fee, the permit holder shall pay those costs in excess of the five-hundred-dollar fee.
- (10) Enforcement of requirements of this chapter
- (a) The Zoning Officer shall, on his own motion or upon receipt of any information concerning the violation of the permit conditions or this chapter or of any applicable state or federal regulation, conduct an investigation. If the Zoning Officer determines there is a violation, he may order a revocation of the permit and a termination of disposal activities. The order shall be sent to the permit holder's principal place of business.
- (b) The permit holder may appeal an adverse order of the Zoning Officer to the Zoning Hearing Board within 30 days and shall pay the sum of \$500 to defray the cost of the appeal proceedings. Should the cost of the appeal proceedings exceed the five-hundred-dollar fee, the permit holder shall pay those costs in excess of the five-hundred-dollar fee.
- (11) Zoning Hearing Board appeal. When a permit holder appeals an adverse order of the Zoning Officer under Subsection J(9) and (10) of this chapter, he must be granted a hearing within 30 days of the filing of his appeal. At that hearing, the Zoning Hearing Board shall take testimony from all interested parties unless the testimony is cumulative. The Zoning Hearing Board shall reverse, modify or affirm the order of the Zoning Officer within 30 days after the hearing.

K. Telecommunications towers.

- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

TELECOMMUNICATIONS TOWER — An elevated radio, television or microwave transmission or receiving tower which is used to transmit, receive, retransmit or otherwise convey radio, television or microwave signals.

- (2) Tower regulations.

- (a) Permitted by special exception. Cooling towers, fire towers, stacks, water towers, radio towers, television towers and telecommunications towers may

be erected in the L Light Industrial and M Manufacturing Districts so long as they do not exceed 90 feet, including antenna, and so long as such towers and stacks:

- [1] Shall be located not less than 25 feet from any lot line, and the required setback shall be increased by one foot for each vertical foot of structure that exceeds the allowable height for the district in which it is to be erected.
- [2] Accessory appurtenant structures, support cables and other structures associated with any tower shall be located not less than 15 feet from any lot line or any setback in that district.
- [3] All towers, support cables and appurtenant structures shall be within a protective fence with locking gates. Such fences shall be six feet in height with two feet of barbed wire over that six feet.
- [4] All safety lighting shall be installed and maintained and all operations shall be conducted in accordance with Federal Aviation Administration (FAA), Federal Communications Commission (FCC) or other applicable regulations.
- [5] All proposed towers and stacks must be certified in writing by a registered professional engineer, at the expense of the owner, to be structurally sound, as proposed, before construction may begin and, as constructed, within 30 days of its completion.
- [6] All towers and stacks exceeding 40 feet in height must be certified as structurally sound by a registered professional engineer, every second year, at the expense of the owner, beginning on the first business day in June in the second year following their construction.
- [7] All towers and stacks exceeding 25 feet in height must be made structurally sound or removed at the property owner's expense within 60 days of a written finding by Richland Township or its designate that they are not structurally sound.
- [8] All towers and stacks must be removed and the site returned to a natural state, with all towers and appurtenances removed, at the owner's expense, and the use by special exception terminated within six calendar months of the discontinuance of their use as a tower or stack. The township must be notified of the abandonment of the use.

L. Group home facilities.

- (1) Group home facilities are permitted in all residential districts by special exception.
- (2) Group home facilities are hereby deemed as a type of residential use and not as an institutional use. The following regulations are adopted in the interest of protecting the residents of such facilities, to ensure the residential character of the structure and of the surrounding neighborhood and to prevent other types of facilities

(specifically nonvoluntary and penal living arrangements) which are likely to be disruptive to the residential character of the neighborhood from being classified as group home.

- (3) All group homes shall hold a valid license, specifically as a group home, from the Pennsylvania Department of Public Welfare or other governmental agency and shall meet all current department regulations, including those standards governing indoor space and applicable state and local building and fire safety codes.
 - (4) The residential exterior appearance of the structure shall be maintained. No external alterations, additions or changes to the exterior of the structure are permitted except as may be required by the Pennsylvania Department of Welfare or other governmental agency or whereas needed for safety reasons or to accommodate the physically handicapped.
 - (5) There shall be no more than one kitchen or cooking facility, and the group home facility shall consist of living space of a minimum of 250 square feet per occupant for any one facility. Meals shall be served to occupants and visitors only. No separate cooking facility is permitted for any occupant.
 - (6) No group home shall be located within 1,000 feet of another group home and, additionally, not more than one home shall be located on any street or roadway within Richland Township.
 - (7) Facilities which house persons who are likely to pose a physical threat to the community may not be deemed group homes under provisions of the chapter. Such persons include, but are not necessarily limited to, individuals who have a potentially violent behavioral disorder or disorders or who have been convicted of a violent crime or crimes or who have pleaded guilty or who have been found not guilty or culpable due to insanity or lack of mental capacity.
- M. Two-family dwellings - subdivided for individual ownership. This special exception use will permit the construction of two-family dwelling structures intended and designed to be subdivided for separate ownership at the common party wall of the structure, with or without a community landowner association. **[Added 12-23-2005 by Ord. No. 302]**
- (1) Covenants. Covenants shall be established that run with any change in ownership of the land.
 - (a) Said covenants shall establish requirements for the overall structure to maintain each dwelling unit to have the same color and type of exterior finish, roof and other visible aspects of the exterior of the structure.
 - (b) Said covenants shall be enforceable by a community landowner association and/or by the Township.
 - (c) Said covenants shall provide that each subdivided lot shall be used exclusively as a lot for the existing subdivided family residence and for no other purpose. This provision shall not prevent merger of said lots for purposes permitted within the R-2 Zone. **[Added 3-3-2008 by Ord. No. 311]**

- (2) Setback required. A zero setback shall be required at the party wall. All other setback requirements from front, rear and side property boundaries shall be in accordance with the R-2 or R-3 Zoning District regulations, as applicable.
- (3) Minimum lot area and width. The minimum overall lot area for two-family dwellings intended for separate ownership of each dwelling unit shall be in accordance with the R-2 or R-3 Zoning District regulations, as applicable.
- (4) Dwelling standards. The minimum dwelling unit building area shall be in accordance with the R-2 or R-3 Zoning District regulations, as applicable.
- (5) Multi-lot approval. Approval may be requested for some or all of the lots in a proposed land development as per the special exception application; provided, however, that actual subdivision of the lot cannot occur until a building permit has been issued; the footers, block and/or foundation are constructed; and all underground utilities are installed. **[Amended 3-3-2008 by Ord. No. 311]**

N. Wind energy facilities. **[Added 3-3-2008 by Ord. No. 311]**

- (1) Definitions. As used in Subsection N, the following terms shall have the meanings indicated:

APPLICANT — The person or entity filing an application under this Subsection N.

FACILITY OWNER — The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

HUB HEIGHT — The height of the wind turbine hub, to which the blade is attached.

OCCUPIED BUILDING — A residence, school, hospital, church, public library or other building used for public gathering occupied or in use when the permit application is submitted.

OPERATOR — The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

PARTICIPATING LANDOWNER — A landowner on whose property turbines are located pursuant to a lease agreement with the facility owner or operator.

TURBINE HEIGHT — The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WIND ENERGY FACILITY — An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

- (2) Permit applications. Along with the application for special exception, the applicant shall submit a permit application which shall contain the following:
 - (a) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the generating capacity of the wind energy facility; the number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - (b) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
 - (c) Identification of the properties on which the proposed wind energy facility will be located and the properties adjacent to where the wind energy facility will be located.
 - (d) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - (e) Documents related to decommissioning.
 - (f) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the municipality to ensure compliance with this Subsection N.
- (3) Design and installation. All proposed wind energy facilities shall comply with the following design and installation criteria:
 - (a) Design safety certification. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
 - (b) Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code § 403.1 et seq.

- (c) Controls and brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (d) Electrical components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes and relevant and applicable international standards.
- (e) Visual appearance; power lines.
 - [1] Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
 - [2] Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administrator or other applicable authority that regulates air safety.
 - [3] Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
 - [4] On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
- (f) Warnings.
 - [1] A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - [2] Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- (g) Climb prevention; locks.
 - [1] Wind turbines shall not be climbable up to 15 feet above ground surface.
 - [2] All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
- (4) Setbacks. In addition to the setback requirement for a manufacturing district, the following setbacks shall apply:
 - (a) Occupied buildings.
 - [1] Wind turbines shall be set back from the nearest occupied building a distance not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The

setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

- [2] Wind turbines shall be set back from the nearest occupied building located on a nonparticipating landowner's property a distance of not less than five times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- (b) Property lines. All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
- (c) Public roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
- (5) Waiver of setbacks.
 - (a) Property owners may waive the setback requirements in Subsection N(4)(a)[2] (occupied buildings on a nonparticipating landowner's property) and Subsection N(4)(b) (property lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes; provided, however, that such waiver shall not affect the setback requirements for a Manufacturing District.
 - (b) The written waiver shall notify the property owner(s) of the setback required by this Subsection N, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be set back as required by this Subsection N.
 - (c) Any such waiver shall be recorded in the Recorder of Deeds Office for the county where the property is located. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
 - (d) Upon application, Richland Township may waive the setback requirement for public roads for good cause.
- (6) Use of public roads.
 - (a) The applicant shall identify all state and local public roads to be used within Richland Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
 - (b) Richland Township's Engineer or a qualified third-party engineer hired by Richland Township and paid for by the applicant shall document road

conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.

- (c) Richland Township may bond the road in compliance with state regulations.
- (7) Local emergency services.
- (a) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
 - (b) Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.
- (8) Noise and shadow flicker.
- (a) Audible sound from a wind energy facility shall not exceed 50 dBA as measured at the exterior of any nonparticipating occupied residence, school, hospital, church, public library or other building used for public gathering that existed on the date of issuance of a permit under this Subsection N. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."
 - (b) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any nonparticipating occupied residence, school, hospital, church, public library or other building used for public gathering that existed on the date of issuance of a permit under this Subsection N.
- (9) Waiver of noise and shadow flicker provisions.
- (a) Property owners may waive the noise and shadow flicker provisions of this Subsection N by signing a knowing waiver of their rights.
 - (b) The written waiver shall notify the property owner(s) of the sound or flicker limits in this Subsection N, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this Subsection N.
 - (c) Any such waiver shall be recorded in the Recorder of Deed Office of the county where the property is located. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
- (10) Signal interference. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind energy facility.

- (11) Liability insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to Richland Township upon request.
- (12) Decommissioning.
- (a) The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of their useful life if no electricity is generated for a continuous period of 12 months.
 - (b) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 - (c) Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
 - (d) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs"), without regard to salvage value of the equipment, and the cost of decommissioning with the net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to Richland Township after the first year of operation and every fifth year thereafter.
 - (e) The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth-chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by Richland Township.
 - (f) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Richland Township.
 - (g) If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection N(12)(a), then the landowner shall have six months to complete decommissioning.
 - (h) If neither the facility owner or operator nor the landowner complete decommissioning within the periods prescribed by Subsection N(12)(a) and (g), Richland Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a

participating landowner agreement to Richland Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns, that Richland Township may take such action as necessary to implement the decommissioning plan.

- (i) The escrow agent shall release the decommissioning funds when the facility owner or Operation has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed or upon written approval of the municipality in order to implement the decommissioning plan.

(13) Public inquiries and complaints.

- (a) The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (b) The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(14) Remedies. Each violation of this Subsection N shall be punishable as set forth in Article XV of this chapter.

ARTICLE XVIII

Parking

§ 240-105. General provisions.

- A. Requirement. As a general requirement, each use in the township shall provide sufficient off-street parking area to serve its users.
- B. Procedure. An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this chapter.
- C. Extent of control. The off-street parking and loading requirements of this chapter apply as follows:
 - (1) All buildings and structures erected and all land uses initiated after the effective date of this chapter shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.
 - (2) When a building or structure erected, altered or enlarged prior to or after the effective date of this chapter shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required off-street parking or loading facilities and, further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this chapter thereto, off-street parking and loading facilities are so decreased only when the facilities remaining would least equal or exceed the off-street parking or

loading requirements resulting from application of the provisions of this chapter to the entire building or structure as modified.

- (3) When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity or other unit of measurement specified hereinafter for required off-street parking or loading facilities and, further, when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provision of this chapter, parking and loading facilities shall be increased so that the facilities will at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this chapter to the entire building or structure as modified.
- D. Existing off-street parking and loading spaces. Accessory off-street parking and loading spaces in existence on the effective date of this chapter may not be reduced in number unless already exceeding the requirements of this article for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

§ 240-106. Design and maintenance.

- A. Parking space description. Required off-street parking spaces and aisles shall be laid out as shown on Figures 1101-1a and 1101-1b attached hereto.²⁵
- B. Fractional spaces. When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half may be disregarded, and fractions over one-half shall be interpreted as one parking space.
- C. Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed 25 feet in width for one-way movement or 35 feet in width for two-way movement unless otherwise deemed necessary by the Richland Township Planning Commission for uses requiring a site plan approval.
- D. Signs. No signs shall be displayed in any parking area within any residential district except such as may be necessary for the orderly use of the parking facilities. All signs in other parking areas shall conform to Article XIX herein.
- E. Striping. All parking spaces shall be properly marked and maintained by durable paint in stripes a minimum of four-inches wide and extending the length of the parking space.
- F. Required setbacks. No parking area shall occupy the first 10 feet of the front yard or side yard nearest the street or alley, which shall be landscaped and maintained as a buffer area.
- G. Surfacing. All open off-street parking areas, except those accessory to single-family and two family dwellings, shall be surrounded by a raised concrete curb and improved

25. Editor's Note: Said Figures 1101-1a and 1101-1b are on file in the township offices.

with a bituminous or concrete material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it.

- H. Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining properties and streets.
- I. Stormwater. Adequate stormwater drainage facilities shall be installed in order to ensure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. (See § 240-26.)
- J. Walls or planting strip. Whenever a parking lot abuts onto a public street, sidewalk or alley, a structurally sound wall or planting strip, with raised curb, approved by the Zoning Officer, shall be installed and maintained. Adequate retaining walls and other walls shall also be constructed and maintained along abutting property to provide proper

solid retention and screening from abutting properties, subject to the approval of the Zoning Officer.

- K. Maintenance. Parking spaces shall be kept clean of debris, refuse and garbage and maintained so as to be free of potholes and other defects which might constitute danger to persons or property.

§ 240-107. Minimum standards.

Subject to the general requirement for off-street parking, off-street parking spaces, with proper access from a street, alley or driveway, shall be provided in all districts in the amounts indicated below. Such parking space shall be provided on any lot on which a dwelling is hereafter erected or converted or, in the case of any other use, on or near the lot on which any main building is hereafter erected or converted. Nothing in this section shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking facilities provided collectively shall be not less than the sum of the requirements for the various individual uses computed separately. In no case shall the number of parking spaces provided, or the area devoted to parking, be less than the minimum requirements of this section.

- A. One- and two-family dwellings: off street parking spaces for all vehicles.
- B. Three-or-more-family dwellings: two parking spaces for each family dwelling unit, plus one visitor's parking space for every two (or fraction thereof) dwelling units.
- C. Clubhouses and meeting places of veterans, business, civic, fraternal, labor and similar organizations: one parking space for every 50 square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building, plus one additional space for every two persons regularly employed on the premises during peak shift.
- D. Bowling alley: one parking space for every two customers computed on the basis of maximum servicing capacity at any one time, plus one additional space for every two persons regularly employed on the premises during peak shift.
- E. Dormitories, fraternity houses and sorority houses: one parking space for every three beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for educational establishments set forth elsewhere herein.
- F. Drive-in facilities: five parking spaces per 100 square feet of floor space.
- G. Financial institutions: one space for each employee during peak shift and three spaces for each teller station in addition to the requirements for office areas.
- H. Funeral homes and undertaking establishments: parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for every two persons regularly employed on the premises during peak shift and 30 parking spaces for each designated viewing room at full capacity.

- I. Hospital: one parking space for every four beds intended for patients, excluding bassinets, plus one per doctor, one per two persons regularly employed on the premises during peak shift and one per hospital vehicle.
- J. Indoor retail businesses: parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for every 250 square feet of total floor area.
- K. Industrial plants and facilities: parking or storage space for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three persons regularly employed on the premises during peak shift.
- L. Junior and senior high school: one parking space for every six seats available in the assembly hall, auditorium, stadium or gymnasium during maximum capacity on the high school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school, plus two additional spaces for each classroom.
- M. Libraries, museums, post offices and similar establishments: parking or storage space for all vehicles used directly in the operation of such establishment, plus one parking space for every 250 square feet of total floor area.
- N. Medical and dental clinics or facilities: three parking spaces for each doctor, plus one additional space for each assistant, one additional space for each employee, two additional spaces for each examination room and one additional space for every 100 feet of waiting room.
- O. Motels and hotels: one parking space for each sleeping room offered for tourist accommodation, plus one space for each dwelling unit on the premises and one additional space for every two persons regularly employed on the premises during peak shift.
- P. Nursing homes: one parking space for every two beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for hospitals set forth herein.
- Q. Offices: one parking space for every 200 square feet of office space.
- R. Public and private elementary schools: one parking space for each person regularly employed at such school, plus one additional space for each classroom.
- S. Public garages: indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business, plus three parking spaces for each person regularly employed on the premises.
- T. Recreation centers, swimming pools, skating rinks, outdoor commercial recreation enterprises and other recreation and amusement facilities: one parking space for every 4 customers computed on the basis of maximum servicing capacity at any one time, plus one additional space for every two persons regularly employed on the premises during peak shift.

- U. Repair shops, plumbing shops, electrical shops, roofing shops and other service establishments: parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person regularly employed on the premises.
- V. Restaurants, indoor and other eating and drinking establishments: one parking space for each table or booth, plus one parking space for every two stools at bar or counter and one parking space for every two persons regularly employed on the premises during peak shift.
- W. Service stations: parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for each gas pump, three spaces for each grease rack or similar facility and one space for every two persons regularly employed on the premises during peak shift.
- X. Theaters, auditoriums, churches, stadiums and other places of public assembly: one parking space for every six seats available at maximum capacity.
- Y. Transportation terminals: one parking space for every 100 square feet of waiting room space, plus one additional space for every two persons regularly employed on the premises during peak shift.
- Z. Universities, colleges, academies and similar institutions of higher learning: one parking space for every six seats occupied in the assembly hall, auditorium, stadium or gymnasium during maximum capacity on the campus.
 - (1) Parking space shall be provided for each person regularly employed at such institution, plus five additional spaces for each classroom
- AA. Warehouses, freight terminals and trucking terminals: parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person regularly employed on the premises during peak shift.

§ 240-108. Location of parking areas.

Off-street automobile parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve.

- A. One- and two-family dwellings: on the same lot with the building they are required to serve.
- B. Three- and four-family dwellings not over two stories in height and row dwellings not over one and one-half stories in height: on the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under a single ownership or management shall be assumed to be on a single lot or parcel of land.

- C. Clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes and other similar uses: on the same lot or parcel of land as the main building or buildings being served or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.
- D. Multiple-family dwellings containing more than four dwelling units and all other uses: on the same lot or parcel of land as the building they are required to service or on a separate lot or parcel of land not more than 300 feet from the nearest entrance to the main use being served, provided that the lot or parcel of land selected for the parking facilities is located in an R-4, C, or L-1 District.
- E. Notwithstanding Subsections A through D above, no parking area accessory to a C or L-1 use shall be located in an R District except as permitted in Article XVI herein.

§ 240-109. Special regulations relating to access and highway frontage.

In order to minimize traffic congestion and hazard, control street access in the interest of public safety and encourage the appropriate development of street or highway frontage, the following shall apply:

- A. No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly a public street or highway unless separated from the street or highway at least 10 feet by a raised curb, barrier planting strip, wall or other effective barrier against traffic, except for necessary accessways, and each parking lot shall have not more than two accessways to any one public street or highway for each 500 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such accessway shall be more than 35 feet in width.
 - (1) All parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the property.
 - (2) All buildings shall front upon a marginal street, service road, common parking lot or similar area and not directly upon a public street or highway.
 - (3) For all multifamily, commercial, industrial or institutional uses, driveways shall not cross the street right-of-way line within 100 feet of the street right-of-way of an intersecting street located on the same side of the roadway.
 - (4) All streets and accessways shall be designed in a manner conducive to safe exit and entrance and shall conform to the highway specifications and subdivision requirements of the township.
 - (5) No two of said driveways serving single- or two-family residences shall be closer to each other than three feet, and no driveway shall be closer to an internal side or rear property line than three feet. Residential driveways shall not cross the street right-of-way line within 40 feet of the street right-of-way line of an intersecting street.

- (6) Each driveway shall be properly established and shall be not more than 35 feet in width, measured at right angles to the center line of driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- B. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated.
- C. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance in an agricultural, institutional or residential district, and in every district all such lighting shall be arranged so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. Any luminary shall be equipped with some type of glare-shielding device approved by the Zoning Officer. The height of any luminary shall not exceed 25 feet.

§ 240-110. Additional regulations for parking.

- A. Use of off-street facilities. Except for vehicles used in the operation of a working farm, off-street parking facilities accessory to residential use and developed in any residential district, in accordance with the requirements of this article, shall not be used for the parking of commercial and service vehicles of more than three tons gross vehicle weight (GVW). Commercial and/or service vehicles exceeding three tons that are owned or operated by occupants of dwelling structures or by guests of said occupants may be parked within a completely enclosed garage or other building.
- B. Joint parking facilities.
 - (1) Off-street parking facilities for different buildings, structures or uses or for mixed uses may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use are permitted, provided that the total number of spaces so located together are not less than the sum of the separate requirements for each use of which normal hours of operation coincide and not more than 300 feet from and contiguous to the lot on which the main building is located.
 - (2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto, assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Solicitor and filed with the application for a building permit.
 - (3) Not more than 50% of the parking spaces required for (a) theaters and places of amusement and up to 100% of the parking spaces required for a church or school, may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a), provided that written agreement assuring the retention for such purposes is approved as to form and execution by the Township Solicitor and filed with the application for a building permit.

- C. Control of off-site facilities When required accessory off-street parking facilities are provided other than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the Township Secretary requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use. Use of such off-site facilities is subject to approval by Richland Township.
- D. Nonresidential parking in residential districts. Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any R District when authorized by the Zoning Hearing Board after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements of this article:
- (1) The parking lot shall be accessory to and for use in connection with one or more nonresidential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions and within 300 feet of the nonresidential use which it is to serve.
 - (2) Said parking lot shall be used solely for the parking of passenger automobiles.
 - (3) No commercial repair work or service of any kind shall be conducted on said parking lot.
 - (4) No sign of any kind other than signs designating entrances, exits and conditions of use shall be maintained on said parking lot and shall not exceed eight square feet in area.
 - (5) The parking lot may be open from 7:00 a.m. to 9:00 p.m. and shall be closed at all other times; however, when supervised by one or more full-time attendants, the parking lot may be kept open until 12:00 midnight.
 - (6) Each entrance to and from said parking lot shall be a distance of at least 35 feet from any adjacent property located in any residential district except where ingress or egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot. A buffer area of 15 feet minimum width shall be provided and maintained along all lot lines, which are not street lines, abutting residential uses.
 - (7) In addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the Township Supervisors for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

§ 240-111. Design, maintenance and schedule of off-street loading space.

A. Design.

- (1) Loading space description. An off-street space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the

standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than 10 feet in width, 14 feet in height and of adequate length to suit the specific use exclusive of access aisles and maneuvering space except as otherwise specifically dimensioned herein.

- (2) Location. No permitted or required loading space shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls or an ornamental fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading space shall be located within 25 feet of the nearest point of intersection of any two streets. Loading space open to the sky may be located in any required yards.
 - (3) Measurement of spaces. When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half may be disregarded, and any fraction over one-half shall be interpreted as one loading space.
 - (4) Surfacing. All open off-street loading spaces shall be improved with a compacted base and surfaced with a bituminous or concrete material of adequate thickness to support the weight of fully loaded vehicles which customarily use said spaces.
- B. Schedule of required loading and unloading space. Every building or structure used for business trade or industry shall provide space as herein indicated for the loading a unloading of vehicles off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to the requirements for off-street parking space listed herein. Off-street loading and unloading space shall not be designed, intended, constructed or used in a manner such as to obstruct or interfere with the free use of any street, alley or adjoining property. The specific use requirements for off-street loading and unloading spaces are provided for as follows:
- (1) Multistory multiple-family dwellings: one off-street loading and unloading space at least 10 feet wide for every 5,000 square feet of total floor area.
 - (2) Industrial plants: one off-street loading and unloading space at least 12 feet by 50 feet for every 10,000 square feet of total area.
 - (3) Warehouses and wholesale storage facilities: one off-street loading and unloading space at least 12 feet by 50 feet for every 7,500 square feet of total floor area.
 - (4) Freight terminals and trucking terminals: one off-street loading and unloading space at lease 12 feet by 50 feet for every 5,000 square feet of total floor area.
 - (5) Commercial uses: one off-street loading and unloading space for each commercial occupancy or as otherwise determined and approved by the Richland Township Planning Commission during the site plan review process.

ARTICLE XIX
Signs

§ 240-112. General provisions.

- A. Any sign hereafter erected or maintained shall conform with the provisions of this article and any other ordinance or regulations of the township relating hereto.
- B. Zoning approval shall be required for all signs and billboards.
- C. All signs shall be erected and maintained in safe orderly condition. The Zoning Officer may order the repair or removal of any sign which he has declared unsafe. In the event that the owner fails to remove or repair an unsafe sign within 10 days following such notification by the Zoning Officer, it may be removed by the township at the owner's expense.
- D. All signs shall be erected in a manner which will not obstruct vision or in any way impede the safe movement of vehicular and/or pedestrian traffic.
- E. Each face of a double-faced sign may have a surface area not exceeding 50 square feet. When a sign has more than two faces, the total area of all faces combined shall not exceed 100 square feet.
- F. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eaves line of a flat roof.

§ 240-113. Signs permitted in residential districts and university district.

The following types of signs and no other shall be permitted in residential districts and the University District except as otherwise provided in the district regulations.

- A. Traffic control signs installed and maintained by the township, Cambria County, Commonwealth of Pennsylvania or any other governmental authority.
- B. Professional, accessory use or name signs indicating the name, profession or activity of the occupant of the dwelling provided that:
 - (1) The size of any such sign shall not exceed 144 square inches.
 - (2) Not more than one such sign shall be erected for each permitted use or dwelling.
 - (3) No such sign shall be illuminated.
 - (4) No such sign shall stand more than 10 feet from ground level to the top of the sign.
- C. Identification signs for farms or estates, university uses, schools, churches, hospitals and similar permitted uses other than dwellings, provided that:

- (1) The size of any such sign shall not exceed 20 square feet.
 - (2) Except in a university district, not more than one sign shall be placed on premises held in single and separate ownership unless such premises front on more than one street, in which case, one such sign may be erected on each street frontage.
 - (3) No such sign shall be illuminated except by concealed or indirect light attached to the sign itself.
 - (4) No such sign shall stand more than 10 feet from the ground level to the top of the sign.
- D. One no trespassing sign or sign indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet.
- E. Temporary signs of mechanics and artisans, provided that:
- (1) Such signs shall be erected only on the premises where such work is being performed.
 - (2) The size of any such sign shall not exceed 12 square feet.
 - (3) Such signs shall not be illuminated except attached to the sign itself.
 - (4) Such signs shall be removed promptly upon completion of active work.
- F. One directional sign not exceeding 1 1/2 square feet.
- G. In connection with a parking facility, directional signs not to exceed eight square feet.
- H. Any use other than specified in Subsections A through G herein, which use is a permitted use in a university or residential district and signs for uses which are preexisting nonconforming uses, provided that:
- (1) The size of any such sign shall not exceed 20 square feet.
 - (2) Except any university district, not more than one sign shall be placed on premises held in single and separate ownership unless such premises front on more than one street, in which case, one such sign may be erected on each street frontage.
 - (3) No such sign shall be illuminated except by concealed or indirect light attached to the sign itself.
- I. Any signs in any residential or university district shall be nonflashing and nonanimated; those not attached to a building shall be set back at least 15 feet from a lot or right-of-way line, and no signs shall project above the roof or mounted on a building above the eaves line of a roof.
- J. Nonconforming use signs, provided that:
- (1) The total area of such signs relating to a single use at the effective date of this chapter or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming shall not be increased.

- (2) No such signs shall be changed or replaced except when such change or replacement results in a new sign being in conformity with the sign regulations in a residential or university district unless the change or replacement is authorized as a special exception by the Zoning Hearing Board.

§ 240-114. Signs permitted in all nonresidential Districts A, C-2, C-3, L and M.

The following types of signs shall be permitted in the A, C-2, C-3, L-1, and M Districts:

- A. Any sign permitted in a residential district which relates to a use permitted in the district.
- B. Freestanding business or related signs as follows:
 - (1) Any sign permitted in a residential district.
 - (2) One freestanding business sign or identification sign not to exceed 50 square feet for any one business except as provided in § 240-114B(3).
 - (3) Where a group of three or more businesses are Located on one parcel or tract, one freestanding business or identification sign shall be permitted per street, and no such sign shall exceed 100 square feet per street.
 - (4) Signs not attached to a building shall be set back at least five feet from a lot or street right-of-way line or any required buffer area. Signs located on a corner lot shall be set back a minimum of 15 feet from the front and side street lines. A freestanding sign shall not exceed 40 feet in height as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eaves line of a flat roof.
 - (5) Except as provided in Subsection B(6) hereafter, all signs in any A, C-2, C-3, L or M District shall be stationary, nonrevolving, nonflashing and nonanimated. If illuminated, they shall utilize reflected or refracted light in such manner as shall not detrimentally affect any property in another zoning district. **[Amended 3-3-2008 by Ord. No. 311]**
 - (6) Billboards (See § 240-115.) may include changeable-message signs (Changeable-message signs change the message on the sign by electronic or mechanical process); provided, however, that such signage has a static display lasting no less than eight seconds, achieves a message change with all moving parts or illumination moving or changing simultaneously over a period of three seconds or less, and does not display any illumination that moves, appears to move or changes in intensity during the static display period. **[Added 3-3-2008 by Ord. No. 311]**
- C. The total area on one side of all signs attached to a building and facing any one street frontage on any one premises shall not exceed eight percent of the area of the wall surface, including window and door areas on which they are displayed, or two square feet for each lineal foot of building frontage, whichever is the greater; provided, further, that in the case of a lot which is vacant or on which any building is clearly an incidental or accessory to the use of the lot, the total area of all signs attached to the building and

facing any one street frontage of any one premises shall not exceed one square foot for each two additional lineal feet of building frontage.

- D. Temporary commercial signs. No stringing of light bulbs, no animated sign nor signs that revolve, swing or have movable parts or have flashing lights or reflectors shall be permitted after the effective date of this chapter except when authorized as a special exception by the Zoning Hearing Board, and no advertising signs, banner, pennant, baffle, spinners or display constructed of cloth, canvas, wallboard or other like materials shall be erected, suspended or hung on any property except as follows. The Zoning Officer may permit the use of any such advertising signs, banners or displays

constructed of cloth, light fabric or other like materials for a period of not more than 30 consecutive days and not more than three such periods in any one calendar year, provided that:

- (1) No such sign or display shall exceed in size the area permitted for permanent signs as provided for each zoning district.
- (2) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
- (3) No such sign or display shall be permitted within the lines of any public street or public sidewalk or shall be closer to a curb than 10 feet unless specifically authorized by other ordinances and regulations of Richland Township.
- (4) No sign or display shall be permitted to be placed across a public street or highway.
- (5) Signs not attached to a building shall be set back at least five feet from a lot or street right-of-way line or any required buffer area. Signs located on a corner lot shall be set back a minimum of 15 feet from the front and side street lines. A freestanding sign shall not exceed 40 feet in height as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eaves line of a flat roof.
- (6) All signs in any A, C-2, C-3, L or M District shall be stationary nonrevolving, nonflashing and nonanimated. If illuminated, they shall utilize reflected or refracted light in such manner as shall not detrimentally affect any property in another zoning district.

§ 240-115. Billboards.

Billboards shall be allowed by special exception in A, C-2, L and M Districts.

§ 240-116. General sign regulations.

The following restrictions shall apply to all permitted sign uses:

- A. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring view.
- B. No sign other than signs authorized by § 240-113A shall be erected within the lines of any public street or public sidewalk or shall be closer to a curb than 10 feet unless specifically authorized by other ordinances and regulations of Richland Township.
- C. No sign shall project over a public sidewalk unless authorized as a special exception by the Zoning Hearing Board.
- D. Wall signs shall not project over 12 inches from the face of the building.
- E. Each sign must be maintained in good condition and repair.

- F. No commercial building, including multiple dwellings or apartments in any residential district, shall be illuminated on the exterior by floodlighting or spotlighting or similar type lighting.
- G. All signs shall be made a part of the architectural design of a new commercial construction or major alterations of existing buildings. Drawings submitted for sign permits shall show size, location and illumination in detail.
- H. All nonconforming signs and billboards at the effective date of this chapter shall not be altered, expanded or enlarged without approval of the Zoning Hearing Board.
- I. A sign advertising a profession, use, activity or business no longer conducted shall not be permitted and must be removed.
- J. Signs painted or affixed to any outdoor bench, chair or the like article shall not be permitted unless specifically authorized by the governing body.
- K. Signs advertising a profession, use, activity or business shall be located on the premises where the said profession, use, activity or business is located.
- L. No sign shall be affixed by tacking, pasting or otherwise mounting upon utility poles, light standards, trees, rocks or other natural features or any part of official traffic signs required by law.
- M. 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.

§ 240-117. Special event sign provisions.

The following special event signs are exempt from the requirement of obtaining a permit from the Zoning Officer. However, no special event sign shall be placed within any public right-of-way or placed in such a manner or at a location which creates a traffic hazard by impairing visibility from or of a public highway:

- A. Temporary signs advertising home garage sales, yard sales and the like, as differentiated from signs advertising established commercial enterprise, may be erected in any zoning district subject to the following provisions:
 - (1) The area of one side of any such sign shall not exceed eight square feet.
 - (2) Only one such sign may be erected on any single property, unless such property fronts on two streets, in which case, one sign is authorized on each street frontage.
 - (3) The sign shall be installed no earlier than two days prior to the sale and shall be removed within one day after the activity.
- B. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this chapter except as they may cause glare, interfere with traffic safety or in any other way become a public safety hazard.

- C. Temporary signs advertising exhibits, shows or events of public, civic or charitable organizations occurring in the township may be erected in any district, subject to the following:
- (1) The area of any one side of such sign shall not exceed 12 square feet.
 - (2) The sign must advertise an event taking place within the township.
 - (3) Such signs may be erected no earlier than one month prior to the date of the event and shall be removed no later than two days after the completion of the event.
- D. Signs used for directing patrons or members to churches, civic clubs or other public, quasi-public or charitable facilities or functions are permitted in any district, provided that the area of any one side of such sign shall not exceed six square feet.
- E. Real estate signs.
- (1) Signs advertising the sale or rental of residential premises, provided that:
 - (a) The size of any such sign shall not exceed 12 square feet.
 - (b) Not more than two such signs shall be erected for any property held in single and separate ownership.
 - (c) No such signs shall be illuminated.
 - (d) No such sign shall stand more than 10 feet from the ground level to the top of the sign.
 - (2) Signs indicating the location and direction of premises in the process of development, provided that:
 - (a) The size of any such sign shall not exceed 12 square feet.
 - (b) Not more than two such signs shall be erected on each 500 feet of street frontage.
 - (c) No such sign shall be illuminated.
 - (d) All such signs shall be removed on completion or when active work on the development ceases.
 - (3) Signs advertising the sale or rental of commercial, industrial or manufacturing premises, provided that:
 - (a) The size of any such sign shall not exceed 24 square feet.
 - (b) Not more than two such signs shall be erected for any property held in single and separate ownership.

ARTICLE XX

Special Provisions: Limitation of Height of Objects Around Johnstown Cambria County Airport**§ 240-118. Scope.**

All uses, structures or vegetation pursued, built, modified or planted within the zones surrounding the Johnstown Cambria County Airport, as those zones are further defined herein, are subject to the height limitations and use restrictions contained in this Article XX. The requirements of this article are in addition to those contained in any other zone in which the existing or proposed use, property, structure or vegetation is located.

§ 240-119. Definitions.

As used in this Article XX, the following terms shall have the meanings indicated unless the context otherwise requires:

AIRPORT — The Johnstown Cambria County Airport.

AIRPORT ELEVATION — The highest point of an airport's usable landing area measured in feet from sea level. For purposes of this article, airport elevation shall be 2,284 feet above sea level.

AIRPORT ZONES — All the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Johnstown Cambria County Airport. Such zones are shown on the Richland Township Zoning Map consisting of one sheet, prepared by CPS Surveys, Inc., and dated April, 1986, which is attached to this article and made a part hereof.²⁶ An area located in more than one of the following zones and/or in another zone established by this chapter is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. **UTILITY RUNWAY VISUAL APPROACH ZONE** — The inner edge of this approach zone coincides with the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- B. **RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS THREE-FOURTHS MILE NONPRECISION INSTRUMENT APPROACH ZONE** — The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- C. **PRECISION INSTRUMENT RUNWAY APPROACH ZONE** — The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet to a horizontal

26. Editor's Note: The Zoning Map is on file in the township offices.

distance of 50,000 feet from the primary surface. Its center line is a continuation of the center line of the runway.

- D. **RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN THREE-FOURTHS MILE NONPRECISION INSTRUMENT APPROACH ZONE** — The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- E. **TRANSITIONAL ZONES** — The transitional zones are the areas beneath the transitional surfaces.
- F. **HORIZONTAL ZONE** — The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- G. **CONICAL ZONE** — The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

APPROACH SURFACE — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 240-120 of this article. The perimeter of the approach surface shall coincide with the perimeter of the approach zone.

APPROACH, TRANSITIONAL HORIZONTAL and CONICAL ZONES — These zones are set forth in § 240-120 of this article.

CONICAL SURFACE — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

HAZARD to AIR NAVIGATION — An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable air space.

HEIGHT — For the purposes of determining the height limits in all zones set forth in the article and shown on the Zoning Map, the datum shall mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE — A horizontal plan 150 feet above the established airport elevation, the perimeter of which plan coincides with the perimeter of the horizontal zone.

OBSTRUCTION — Any structure, growth or other object, including a mobile object, which exceeds the limiting height set forth in § 240-120 of this article.

PERSON — An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entities; includes a trustee, a receiver, an assignee or a similar representative of any of them.

PRIMARY SURFACE — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end

of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of this primary surface is set forth in § 240-120 of this article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length. Types of runways are more specifically defined as follows:

- A. **LARGER THAN UTILITY RUNWAY** — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
- B. **NONPRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned.
- C. **UTILITY RUNWAY** — A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
- D. **VISUAL RUNWAY** — A runway intended solely for the operation of aircraft using visual approach procedures.
- E. **PRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

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

TRANSITIONAL SURFACES — These surfaces extend outward at 90° angles to the runway center line and the runway center line extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend the distance of 5,000 feet measured horizontally from angles to the extended runway center line.

TREE — Any object of natural growth.

ZONING HEARING BOARD — The Richland Township Zoning Hearing Board.

§ 240-120. Airport zone height limitations.

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

- A. Precision Instrument Runway Approach Zone. The height limitation slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; then the limitation slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.
- B. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-Fourths Mile Nonprecision Instrument Approach Zone. The height limitation slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
- C. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- D. Runway Larger Than Utility With A Visibility Minimum As Low As Three-Fourths Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
- E. Transitional Zones. The height limitation slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90° angles to the extended runway center line.
- F. Horizontal Zone. The height limitation is established at 150 feet above the airport elevation.
- G. Conical Zone. The height limitation slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and to 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- H. Accepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of the land.

§ 240-121. Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it

difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

§ 240-122. Nonconforming uses.

- A. Regulations not retroactive. The regulations prescribed by this article should not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted.
- B. Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Township Supervisors to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Johnstown Cambria County Airport Authority or any successor organization or corporation.

§ 240-123. Zoning approval related to airport zones.

A. Future uses.

- (1) Except as specifically provided in Subsection A(1)(a), (b) and (c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no trees shall be planted in any zone hereby created unless zoning approval therefore shall have been applied for and granted. Each application for zoning approval shall meet the requirements of this article in addition to the requirements set forth in Article XV and shall indicate the purpose for which the zoning approval is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the zoning approval shall be granted. No zoning approval for use inconsistent with the provisions of this Article XX shall be granted unless a variance has been approved by the Zoning Hearing Board.
 - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground except when, because of terrain, land contour or topographic features, such tree would extend above the height limits prescribed for such zones.
 - (b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no zoning

approval shall be required for any tree less than 75 feet of vertical height above the ground except when such tree would extend above the height limit prescribed for such approach zones.

- (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground except when such tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.
- (2) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this article.
- B. Existing uses. No zoning approval shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a zoning approval is made. Except as indicated, all applications for such zoning approval shall be granted.
- C. Variances. Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed by this article may apply to the Zoning Hearing Board for a variance from such regulations. Such variances shall be heard in accordance with the standards and procedures set forth in Article XVI of this chapter and may be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this article. Additionally, an application for variance from the requirements of this article may be referred by the Zoning Hearing Board to the Johnstown Cambria County Airport Authority or the Johnstown Cambria County Airport Manager for advice as to the aeronautical affects of the variance.
- D. Obstruction, marking and lighting. When such action is deemed advisable to effectuate the purpose of this article and to be reasonable in the circumstances, a granted zoning approval or variance may be conditioned to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the Johnstown Cambria County Airport Authority, at its own expense, to install, operate and maintain the necessary markings and lights.

§ 240-124. Enforcement.

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the Zoning Officer in accordance with Article XV of this chapter.

§ 240-125. Violations and penalties.

Each violation of this article shall be punishable as set forth in Article XV of this chapter.

§ 240-126. Conflicting regulations.

Where any of the regulations or limitation prescribed in this article are inconsistent or conflict with any other zoning regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

ARTICLE XXI
Swimming Pools

§ 240-127. Private swimming pools.

- A. "Private swimming pool" shall be defined as a pool in the ground or prefabricated installation above the ground, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet and having an inside diameter or dimension of greater than 10 feet.
- B. No such swimming pool shall be allowed in an R or a C District except as an accessory use and unless it complies with the following conditions and requirements:
- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests and no fee shall be charged.
 - (2) The pool structure, including perimeter walkway, paved areas or accessory structures, except the required fence, shall not be located closer than 15 feet from any side or rear property line nor closer to any street than the minimum building setback line permitted for the district in which it is located.
 - (3) All swimming pools now existing or hereafter constructed, installed, established or maintained shall be enclosed by a permanent fence of durable material at least six feet in height above the finished grade and shall be so constructed as not to have openings, mesh or gaps constructed to prohibit the passage of a sphere larger than four inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use.
 - (4) Pools shall conform to the Pennsylvania Department of Health standards. Existing pools shall conform in 90 days to the requirements set forth in this section as a public safety measure.
 - (5) All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be

maintained and operated in such a manner as to be clean and sanitary at all times. At no time shall the drains be directed onto adjoining properties.

- (6) Fences attached to pools shall meet the same requirements as in § 240-126B(3).

§ 240-128. Community or club swimming pools.

A "community or club swimming pool" shall be any pool constructed by an association of property owners or by a private club solely for use and enjoyment by members of the association or club and their families and guests or members. Community and club swimming pools shall comply with the following conditions and requirements:

- A. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line from the property on which it is located.
- B. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall be six feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

ARTICLE XXII

Day-Care Centers, Family Day-Care Homes and Group Day-Care Homes

§ 240-129. Definitions.

As used in this article, the following words shall have the meanings indicated:

CHILD — For purposes of this Article XXII, a child is a person under 16 years of age.

DAY-CARE CENTER — A facility in which care is provided for seven or more children at any one time where the child-care areas are not being used as a family residence.

FAMILY DAY-CARE HOME — Any premises other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six children who are not relatives of the caregiver.

GROUP DAY-CARE HOME — A facility in which care is provided for more than six but less than 12 children at any one time where the child-care areas are being used as a family residence.

§ 240-130. Department of Public Welfare certification.

The day-care facilities defined in § 240-129 must hold an approved Pennsylvania Department of Public Welfare (DPW) registration certificate or license, as appropriate, and meet all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.

§ 240-131. Smoke detectors.

All day-care homes and facilities shall be fully protected by smoke detectors and fire extinguishers.

§ 240-132. Standards for family day-care and group day-care homes.

Family day-care homes and group day-care homes may be located in any residential or university district by special exception and in any other district by right subject to the following safeguards:

- A. Parking. The following standards shall govern parking:
 - (1) The general provisions of §§ 240-105 and 240-106 shall apply to all family day-care homes and group day-care homes.
 - (2) In all districts, in addition to any other parking spaces required in relation to other uses of a building, there shall be one off-street parking space for each nonresident employee or nonresident/full-time volunteer and one safe passenger unloading space measuring at least nine feet by 20 feet.
 - (3) In all districts where a nonresidential structure is used, the standards of § 240-107 shall apply.
- B. Fencing. The required outdoor play area shall be surrounded by a safety fence or natural barrier, provided that any fence shall conform to the height limitations relating to fences in the zoning district in which it is located.
- C. Hours. Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- D. Signs. Any sign shall comply with standards governing signs as below:
 - (1) In residential districts, the standards of § 240-113B shall apply.
 - (2) In all other areas, the sign shall not exceed 24 square feet and shall comply with § 240-114D(5) and (6).
- E. When day care is provided in a home, the amount of floor area devoted to such purposes shall not exceed 30% of the total floor area of the dwelling, and there shall be no change to the exterior of the building for the purpose of accommodating the day-care use.
- F. Lot size. The lot size of any family day-care home shall not be less than 7,500 square feet, and the lot size of any group day-care home shall not be less than 15,000 square feet. Any such home shall conform to the setback, height and building area requirements of the zoning district in which it is located.

§ 240-133. Standards for day-care centers.

Day-care centers may be located in any residential or university district by special exception and in any other district by right after review by the Planning Commission, subject to the

regulations of the zoning district in which it is located and the following additional standards, whichever is more restrictive.

- A. **Parking.** The general provisions of §§ 240-105 and 240-106 shall apply to all day-care centers. In addition, there shall be one off-street parking space provided for each employee or full-time volunteer and one safe passenger unloading space measuring nine feet by 20 feet for each ten children that the facility is licensed to accommodate.
- B. **Fence.** The outdoor play area required by state licensing shall be surrounded by a safety fence or natural barrier, provided that any fence shall conform to the height limitations for fences in the zoning district in which it is located.
- C. **Play area setback.** No portion of the outside play area shall be less than 30 feet from an existing occupied dwelling.
- D. **Hours.** Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- E. **Signs.** Any sign shall comply with the following requirements:
 - (1) In residential districts, the requirements of § 240-113B shall apply.
 - (2) In all other districts, the sign shall not exceed 24 square feet and shall comply with § 240-114D(5) and (6).
- F. **Concentration.** No day-care center shall be established within 500 feet from another day-care center in any residential districts.
- G. **Lot size.** The minimum site or lot area shall be determined by the following table when centralized water and sewage service is provided.:

License Capacity (number of children)	Minimum Lot Size (square feet)
7 to 11	20,000
12 and above	20,000, plus 500 square feet for additional child (e.g., 50 children equals 45,000 square feet)

ARTICLE XXIII Severability, Repealer and Intent

§ 240-134. Severability.

If any sentence, clause or section of this chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this chapter. It is hereby declared as the intent of the Board of Supervisors of Richland Township that this chapter would have been adopted had such unconstitutional, illegal or invalid sentences, clauses or sections thereof not be included herein.

§ 240-135. Repealer.

All other ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed.

§ 240-136. Intent.

It is the intention of this chapter, or any amendments or supplements hereto, to furnish a complete and exclusive system of zoning and regulations for zoning in Richland Township, Cambria County, Pennsylvania.