

TOWNSHIP OF WEST DEER

ZONING ORDINANCE NO. 394



**Adopted On
AUGUST 29, 2012**

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WEST DEER TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA
ZONING ORDINANCE

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ARTICLE I

AUTHORITY AND GENERAL PROCEDURE

Section 1.1 GRANT OF POWER

Pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, and for the purpose of promoting health, safety, morals or the general welfare, the Board of Supervisors of West Deer Township are hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures; their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures and percentage of lot that may be occupied, the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and may also establish and maintain building lines and setback building lines upon any or all public roads or highways.

Section 1.2 SHORT TITLE

This Ordinance shall be known and may be cited as the “Zoning Ordinance of West Deer Township.” The map herein referred to, which is identified as the “Official Zoning Districts Map,” as amended, and all the explanatory matter thereon are hereby adopted and made part of this Ordinance.

ARTICLE II

PURPOSE

Section 2.1 PURPOSE AND OBJECTIVES

The Board of Supervisors of West Deer Township, County of Allegheny, and Commonwealth of Pennsylvania, do ordain that:

Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion on roads and highways; to secure safety from panic and other danger; to promote health and the general welfare to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements. It is not the intent of this Ordinance to restrict, control or place hardship upon the continued agricultural use of land within its area or jurisdiction and control.

The specific objectives of this Ordinance are extracted from the West Deer Township Comprehensive Plan, as amended and updated in both the “West Deer Township Comprehensive Plan Update” and the “Indiana-West Deer Township Joint Comprehensive Plan”. They generally include the coordination of the diversified physical elements and the protection of the health, safety, morals and general welfare of the public. More particularly, the objectives guiding the Zoning Ordinance are as follows:

2.1.1. Overall Development

Create a healthy, economically and socially sound and attractive environment for the residents of West Deer Township; and further, to consider all governmental structure options in development programs to meet specific goals and objectives.

2.1.2. Environment

To conserve and efficiently use our natural resources directing economic activities and land use development toward compatibility with the natural environment.

2.1.3. Land Use

To create a development pattern that will conserve the natural amenities and encourage a harmonious balance between various land uses and residential structures to produce an overall appealing atmosphere and maintain and enhance a distinctive community character.

2.1.4. Economics

To develop a diversified economic base to assure full and continuous employment and a range of commercial and service activities sufficient to meet local demands.

2.1.5. Housing

To provide a variety of housing types to permit a range of choice for the residents regardless of their economic status or social characteristics.

2.1.6. Community Facilities

To offer a level of community facilities adequate in amount and type to meet existing population needs and prepare for future demand by programming and locating such facilities for maximum accessibility and efficiency of operation.

2.1.7. Transportation

To supply a circulation system that provides safe and convenient movement of people and goods, with the least possible infringement upon other values.

ARTICLE III

ZONING ADMINISTRATION

Section 3.1 OUTLINE OF ADMINISTRATIVE ROLES AND DUTIES

Administrative roles and duties of the Township Board of Supervisors, Planning Commission, Zoning Hearing Board and Zoning Officer shall be permitted in accordance with the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE IV

DEFINITIONS

Section 4.1 INTRODUCTION

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- 4.1.1. Words used in the present tense shall include the future.
- 4.1.2. Words used in the singular shall include the plural.
- 4.1.3. The word “person” includes a corporation, or partnership, as well as an individual.
- 4.1.4. The word “lot” includes the words “plot” or “parcel.”
- 4.1.5. The term “shall” is always mandatory.
- 4.1.6. The term “may” is always permissive.
- 4.1.7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.

Section 4.2 MEANING OF WORDS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

- 4.2.1. **ACCESSORY STRUCTURE** - A structure subordinate to the principal structure(s) on a lot and used for purposes customarily incidental to those of the principal structures(s).
- 4.2.2. **ACCESSORY USE** - A use on the same lot with, and clearly incidental and subordinate to, the principal use on the lot.
- 4.2.3. **ADJUSTED DENSITY DIVIDEND** - See Density Dividend, Adjusted.
- 4.2.4. **ADJUSTED GROSS DENSITY** - See Density, Adjusted Gross.
- 4.2.5. **ADULT-ORIENTED ESTABLISHMENT** - Any establishment providing adult reading and/or viewing material and/or entertainment which depicts or describes sexual nudity or sexual activity, including: adult arcade; adult bookstore; adult video store; adult cabaret; adult motion picture theater; adult theater; escort agencies; body painting studio (when specified anatomical areas are exposed); tattoo and/or piercing parlor (where specified anatomical areas

are exposed); or massage establishment (that does not qualify as a massage therapy establishment.)

- 4.2.6. AGRICULTURE - Any use of land or structure(s) for an enterprise that is actively engaged in the commercial production of and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvacultural and aquacultural crops and commodities. The term “agriculture” includes any use that implements changes in the production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers are consistent with technological development within the agricultural industry.
- 4.2.7. AGRICULTURE EMPLOYEE HOUSING - An accessory dwelling related to an agricultural use generally constructed as a separate dwelling unit which allows agricultural landowners and/or developers to provide living arrangements for agricultural help and/or employees.
- 4.2.8. AIRPORT - A place specifically designed to allow aircraft to take off and land, usually equipped with paved runways, hangars, and facilities for refueling and repair.
- 4.2.9. ALTERATION - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beam, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to the diminution of a building or structure, whether horizontally or vertically, or the moving of a structure from one location to another.
- 4.2.10. ANIMAL HUSBANDRY - The agricultural practice of breeding and raising farm animals.
- 4.2.11. APARTMENT - A building or single structure comprised of three (3) or more dwelling units with shared entrance facilities.
- 4.2.12. APPLICANT- Any person (including any natural person, partnership, association, company, corporation or any entity of any kind or type), owner, developer, operator, and/or their agents who has an interest in real estate in the Township and is seeking a permit or other right to develop, erect, alter, drill or produce oil and gas, or otherwise use or occupy property or land located in the Township of West Deer.
- 4.2.13. AREA - See Gross Floor Area; Lot Area.
- 4.2.14. ASSEMBLY OR FABRICATION FACILITY - Any structure or part thereof where pre-manufactured parts (i.e., parts not manufactured on site) are assembled into a finished product for wholesale or retail sale, and where manufacturing of parts does not occur.
- 4.2.15. ATTACHED DWELLING - A dwelling unit, attached by common wall or walls to one or more other similar dwelling units, each independent of the other

and each with at least two (2) direct access points to the outside. Common walls shall extend from the ground level to the roof without openings. Property lines would follow the centerline of the common walls. Side yard setbacks would not apply at common walls.

- 4.2.16. AUTOMOBILE REPAIR GARAGE - See Garage, Automobile Repair.
- 4.2.17. AUTOMOBILE SALES/SERVICE - An establishment devoted to the sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats. Such use may also include the servicing of the types of vehicles sold on the lot.
- 4.2.18. AUTOMOBILE RENTAL - An establishment providing temporary use of automobiles, non-commercial trucks, motor homes, and/or recreational vehicles for a fee. Such use may or may not include the storage of vehicles, vehicle washing, and/or gassing facilities, but excludes vehicle repair work.
- 4.2.19. AUTO SALES (NEW) - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
- 4.2.20. AUTO SALES (USED) - Retail sales, or offering for sale, used automobiles or light load vehicles.
- 4.2.21. AUTO STORAGE OR AUTO AUCTION - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Salvage Yard")
- 4.2.22. BANK - See Financial Institution.
- 4.2.23. BAKERY - An establishment where breads, cakes, pastries, and the like are produced and/or sold.
- 4.2.24. BASE GROSS DENSITY - See Density, Base Gross.
- 4.2.25. BED AND BREAKFAST - a commercial establishment that occupies a single-family dwelling and associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms, each of which is accessible from the interior of the principal structure and/or existing accessory structure (constructed prior to the date of this Ordinance) and which each does not contain cooking facilities. New construction, alteration, or reconstruction of any structure shall also be governed by said Chapter. The owner of said use shall be a permanent resident on the site.

- 4.2.26. **BILLBOARD** - Any sign, as defined herein, which advertises an establishment, person, activity, product or service which is unrelated to or not available on the premises where the sign is located.
- 4.2.27. **BOARDING HOUSE** - A dwelling in which, for a fee or other consideration, the resident owner lives and provides sleeping accommodations with board for at least three (3) but not more than ten (10) persons in the dwelling, exclusive of the resident owner and members of the resident owner's family with or without individual cooking facilities.
- 4.2.28. **BOARD OF SUPERVISORS** - The Board of Supervisors of West Deer Township, Allegheny County, Pennsylvania.
- 4.2.29. **BOWLING ALLEY** - See Recreation Facility.
- 4.2.30. **BUILDING** - A structure that is enclosed, and portions of which are protected from the weather and are usually climate controlled (heated and/or air conditioned), and that is usable for habitation or as a working environment.
- 4.2.31. **BUILDING HEIGHT** - the vertical distance measured between the average of the highest and the lowest elevations at finished grade of the structure and, if a flat-roofed building, the top of the roof or a parapet wall; or, if a sloped roofed building, the average between the gutter and ridge lines of the highest roof element on the building.
- 4.2.32. **BUILDING LINE** - A line parallel to the front, side or rear lot line set so as to provide the required yard (setback).
- 4.2.33. **BUSINESS** - An establishment, licensed to operate as such by the granting local and/or Commonwealth agencies.
- 4.2.34. **BUSINESS SERVICES** - An establishment that provides services primarily to businesses typically on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, document reproduction-related services, computer and data processing services, cell phone sales, and computer sales.
- 4.2.35. **CAMPGROUND** - A nonresidential use of a parcel of land for temporary overnight use by tents and/or recreational vehicles for which a fee may or may not be charged.
- 4.2.36. **CARTWAY** - That portion of a street or alley which is improved, designated, intended, used or capable of being used for vehicular travel.
- 4.2.37. **CAR WASH** - An area of land and/or structure with machine and/or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles, and where no vehicle repairs or sales of petroleum fuel or lubricants are performed. A car wash may or may not include accessory uses such as auto detailing.
- 4.2.38. **CEMETERY** - Land that is reserved for the burying of the deceased and that may contain mausolea and columbaria, but may not contain crematoria.

- 4.2.39. CINEMA - A structure devoted to the indoor display of motion pictures, but excluding an adult-oriented business.
- 4.2.40. CLINIC - See Medical Clinic.
- 4.2.41. CLUSTER DEVELOPMENT - A residential development technique that concentrates residential development in specific areas of a lot to allow the remaining land to be used for recreation, common open space, the preservation of sensitive natural resources or agricultural activities.
- 4.2.42. COLLECTOR STREET- A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.
- 4.2.43. COMMISSION - PLANNING - The legally appointed Planning Commission of the Township of West Deer, Allegheny County, Pennsylvania.
- 4.2.44. COMMERCIAL - Engaging in a business, enterprise, activity or other undertaking ordinarily or actually for profit.
- 4.2.45. COMMON OPEN SPACE - Land or the area of a lot(s) which is held by one entity or multiple entities for the benefit of the general use of recreation, resource protection, amenity and/or buffers, not including any area of a residential lot, any part of an existing or future street right-of-way. The calculations of the total common space area shall not include easements and stormwater detention facilities which are located within the common open space.
- 4.2.46. COMMUNICATIONS ANTENNA - An instrument intended for use in the wireless transmission or in the gathering of data, or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic, cellular, or any other type of communicative transmission, which is to be affixed to a building or structure, including the equipment necessary for its use, but not including structures for signal reception only.
- 4.2.47. COMMUNICATIONS TOWER – a structure, typically a steel pole/lattice work or tower, whose principal use is to be utilized for communication purposes associated with service, radio, and/or television broadcast.
- 4.2.48. COMPREHENSIVE PLAN - The comprehensive, long-range plan document for the desirable use of land in West Deer Township; the purposes of such Plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings.
- 4.2.49. CONDITIONAL USE - An authorized use which may be granted only by the Board of Supervisors pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Township Planning

Commission and public hearing by the Board of Supervisors pursuant to public notice.

- 4.2.50. CONFERENCE AND TRAINING CENTER - An establishment used for corporate or professional meetings, seminars and/or employee training, that may include dining and lodging facilities and related recreational facilities as accessory uses.
- 4.2.51. CONSISTENCY - An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.
- 4.2.52. CONTRACTOR'S YARD - An area of land used by a general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work, but excluding a construction site or any establishment otherwise defined or classified herein.
- 4.2.53. CONVENTIONAL DEVELOPMENT - The division or re-division in the traditional curvilinear or rectilinear pattern of a lot, tract of parcel of land by any means into two (2) or more lots, tracts parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.
- 4.2.54. COUNTRY CLUB/GOLF COURSE - An establishment that has as its principal use facilities for playing golf and that may include one or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, or facilities for racquet sports.
- 4.2.55. CONVENIENCE STORE, NEIGHBORHOOD - An establishment offering for sale food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than ten thousand (10,000) square feet.
- 4.2.56. CONVENIENCE STORE WITH GASOLINE - An establishment offering for sale gasoline, food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than ten thousand (10,000) square feet.
- 4.2.57. DAY CARE CENTER - An establishment, licensed as such by the Commonwealth of Pennsylvania, located within a building that is not used as a dwelling unit, for the care during part of a twenty-four (24) hour day of children and/or adults.
- 4.2.58. DAY CARE HOME - An establishment, licensed as such by the Commonwealth of Pennsylvania, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed.

- 4.2.59. DECKS - An outdoor, uncovered unenclosed structure used as a walking or living surface with a minimum height above grade of 10 inches which may incorporate a railing.
- 4.2.60. DEEP WELL- An unconventional well, or any pierced or bored hole drilled or being drilled into or below the Marcellus Shale rock formation for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.
- 4.2.61. DEEP WELL SITE- The areas occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, fracturing, production or operation of a Deep Well. This definition also includes any exploratory wells. If multiple areas are used, then the total combined areas shall be considered the Deep Well Site area.
- 4.2.62. DENSITY - The number of dwelling units in a lot, or group of lots, divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the right-of-way of any public road.
- 4.2.63. DENSITY, ADJUSTED GROSS - The total number of dwelling units (DUs) allowed per acre in a residential zoning district [after taking natural resources into account].
- 4.2.64. DENSITY, BASE GROSS - The total number of dwelling units (DUs) allowed per acre in a residential zoning district [without taking natural resources into account].
- 4.2.65. DENSITY DIVIDEND - A product of Adjusted Gross Density and Maximum Buildable acreage. In many cases, the Density Dividend is the equivalent to the maximum allowable number of Dwelling Units for a proposed development.
- 4.2.66. DENSITY DIVIDEND, ADJUSTED - A modified Density Dividend, required only if the Initial Net Density is greater than the Maximum Allowable Density of the Base Zoning District. In each Natural Resource Analysis where the Adjusted Density Dividend is required, the Adjusted Density Dividend is equal to the maximum allowable number of Dwelling Units for a proposed development.
- 4.2.67. DENSITY FACTOR - The output of the Natural Resource Adjustment Graph as determined by the Disturbance Ratio. When multiplied by the Base Gross Density, the Density Factor produces the Adjusted Gross Density.
- 4.2.68. DENSITY, INITIAL NET - A quotient of the Density Dividend and the Total Acres Proposed for Disturbance.
- 4.2.69. DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

- 4.2.70. DERRICK- Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.
- 4.2.71. DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 4.2.72. DRILLING - The digging or boring of a well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons.
- 4.2.73. DRILLING PAD- The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.
- 4.2.74. DRIVING RANGE - An establishment operated for the purposes of developing golfing techniques, including miniature golf courses, but excluding golf courses and Par 3 courses.
- 4.2.75. DUPLEX - A structure containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior walls to exterior wall, except for a common stairwell exterior to both dwelling units. Owner-fee-simple, zero lot line; or condominium ownerships are permitted.
- 4.2.76. DWELLING UNIT - A single room or a group of connected rooms, with its own private bathing, toilet, cooking and food storage facilities, in a building for the exclusive use of one (1) family.
- 4.2.77. DWELLING, SINGLE-FAMILY - A permanent dwelling designed for, or occupied by, only one (1) family or household unit.
- 4.2.78. DWELLING, MULTIPLE-FAMILY - A permanent dwelling designed for, or occupied by, two (2) or more families with separate housekeeping and cooking facilities for each family. Mobile homes are expressly excluded from this definition and they are not to be considered multiple-family dwellings.
- 4.2.79. EFFECTIVE DATE - The date on which this Ordinance is duly adopted by the Township or as specified in the Ordinance so adopted.
- 4.2.80. ERECTED - Includes building, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.
- 4.2.81. ESSENTIAL SERVICE - The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television, or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental

agencies or for the public health or safety or general welfare, but not including buildings. Communication facilities shall not be considered essential services for the purposes of this Ordinance.

- 4.2.82. ESTABLISHMENT - Any organization, including a business, whether private, public, governmental, social, or otherwise, together with its owners, directors, employees, members, merchandise, inventory, and equipment, founded and united for a specific purpose.
- 4.2.83. FAMILY - Either an individual or two or more persons related by blood, marriage, adoption, foster parent-child relationship, or a group of not more than three (3) persons who need not be so related, living together in a single dwelling unit as a single housekeeping unit and maintaining a common household with single cooking facilities. A family includes any domestic servants or gratuitous guests thereof. This definition does not include persons occupying a boardinghouse. Factors to be considered whether the group of unrelated persons constitute a “family” is whether the group:
- 4.2.84. 1. Shares the entire house;
- 4.2.85. 2. Lives and cooks together as a single housekeeping unit;
- 4.2.86. 3. Shares expenses for food, rent, utilities or other household expenses; and
- 4.2.87. 4. Is permanent and stable, rather than temporary or transient.
- 4.2.88. This definition is not intended to nor shall be interpreted to conflict with the Fair Housing Act, as amended.
- 4.2.89. FINANCIAL INSTITUTION - An establishment in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged.
- 4.2.90. FLEX SPACE - A structure that can be subdivided for use by multiple tenants primarily for light industrial, warehousing, and associated office/administrative space.
- 4.2.91. FLOODPLAIN - A normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. For regulatory purposes, the Pennsylvania Floodplain Management Act (Act of October 4, 1978, P.L. 851, No. 166) and regulation pursuant to the act define the floodplain as the area inundated by the 100-year flood and delineated on a map by FEMA (Federal Emergency Management Agency) or by the applicant in accordance with municipal ordinance requirements.
- 4.2.92. FOOD PACKAGING FACILITY - A structure or group of structures used for the storage, assembly, packaging, and distribution of prepared foodstuffs, and not including any food preparation.
- 4.2.93. FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

- 4.2.94. FRACKING or FRACTURING - The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.
- 4.2.95. FUNERAL HOME - A structure used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.
- 4.2.96. GARAGE, AUTOMOBILE REPAIR - An establishment that services motor vehicles with all types of repair work including engine and transmission repairs, body work, painting, and similar activities, but excluding heavy equipment repair.
- 4.2.97. GARAGE, PRIVATE - An accessory structure for the storage of motor vehicles, recreational vehicle or boats owned and used by the owner or tenant of the lot for a purpose accessory to the use of the lot, and for not more than one (1) additional motor vehicle owned and used by others.
- 4.2.98. GARAGE, PUBLIC - A private or municipal owned structure where motor vehicles can be temporarily stored or parked typically for the payment of a fee.
- 4.2.99. GARDEN CENTER/NURSERY - Structure(s), and lands associated therewith, for the growing and sale of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.
- 4.2.100. GAS - Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.
- 4.2.101. GAS or OIL PRODUCTION - The drilling and/or extraction of gas or oil.
- 4.2.102. GAS STATION - See Convenience Store with Gasoline.
- 4.2.103. GAS WELL - Any well drilled, to be drilled, or used for the intended or actual production of gas.
- 4.2.104. GENERAL CONSISTENCY; GENERALLY CONSISTENT - That which exhibits consistency.
- 4.2.105. GROSS FLOOR AREA - The total area of a building measured by taking the outside dimensions of the building at each floor level.
- 4.2.106. GROUP CARE HOME - A facility which houses un-related residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental retardation, autism, cerebral palsy, epilepsy or other similar conditions) and is licensed by the Pennsylvania Department of Public Welfare for such purposes.
- 4.2.107. HALFWAY HOUSE - A licensed facility which houses for inmates on release for more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, where supervision, rehabilitation, and

counseling are provided to mainstream residents back into society, enabling them to live independently. Staffed with an on-site resident manager, a halfway house also includes a dwelling unit occupied on a transient or short-term basis by persons assigned by a court of law, or referred by a public, semi-public, profit or nonprofit entity, and managed by or on behalf of a public, semi-public, profit or nonprofit entity responsible for the occupants' care, safety, conduct, counseling and supervision, where the residents reside there for purposes of transitional alcohol, drug or substance abuse recovery, shelter for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other court-ordered treatment, the housing of persons accepted for residence on the basis of their status as juvenile offenders or delinquents, and other similar short-term supervised assignments. The manager of said halfway house shall be a permanent resident on the site.

- 4.2.108. HEARING – The work “Hearing” shall mean Public Hearing as defined in Section 4.2.185
- 4.2.109. HELIPORT - A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including regular repair, fueling, or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.
- 4.2.110. HELISTOP - A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.
- 4.2.111. HOME BASED BUSINESS, NO IMPACT - A business administered or conducted as an accessory use clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business must satisfy the following requirements:
- (a) The business shall be compatible with the residential use of the lot and surrounding residential uses.
 - (b) The business shall employ no employees other than family members residing in the dwelling.
 - (c) There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
 - (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
 - (e) The business may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- (f) The business may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
 - (g) The business shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (h) The business may not involve any illegal activity.
- 4.2.112. **HOME BASED BUSINESS, OTHER** - A business carried on entirely within a building whose principal use is a single family dwelling that does not meet the requirements of a no-impact home-based business.
 - 4.2.113. **HOSPITAL** - An establishment (including sanitariums) for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not include facilities for major surgery, and which may be publicly or privately operated.
 - 4.2.114. **HOSTEL** - An establishment providing inexpensive accommodations for travelers.
 - 4.2.115. **HOTEL/MOTEL** - An establishment which provides transient lodging accommodations to the general public in sleeping units, each unit of which has independent access. Such establishment may provide such additional supporting services as restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor.
 - 4.2.116. **HOUSEHOLD PET** - A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the sheep, swine, poultry, bovine, or equine family of quadrupeds, or reptiles having venomous or constrictor nature does not constitute a household pet under any provisions of this Zoning Ordinance.
 - 4.2.117. **INITIAL NET DENSITY** - See Density, Initial Net.
 - 4.2.118. **JUNKYARD** - The use of more than two hundred (200) square feet of any area, whether inside or outside a structure, or the use of any lot that joins the street for storage, keeping or abandonment of junk including scrap metals, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof.
 - 4.2.119. **KEEPING OF HORSES, PERSONAL** - Maintaining horses and/or ponies solely for personal use of the residents of the lot, and not involving any profit-making activity such as boarding, riding instruction, or training of horses owned by persons other than residents of the lot.
 - 4.2.120. **KEEPING OF HORSES, BOARDING** - Maintaining horses and/or ponies for profit for use in boarding, riding instruction and/or training of horses owned by persons of the lot and/or other than residents of the lot.

- 4.2.121. KENNEL, ANIMAL - Any establishment where more than four (4) dogs or more than six (6) cats who are more than six (6) months old are kept, bred, trained, groomed, boarded, and/or administered veterinary services.
- 4.2.122. LAND DEVELOPMENT - Any of the following activities:
- (a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - (b) A subdivision of land.
 - (c) Excluding development in accordance with PA Municipalities Planning Code Section 503(1.1).
- 4.2.123. LEGISLATIVE BODY - The governing body of West Deer Township.
- 4.2.124. LIBRARY - A structure containing printed and pictorial material for public use for purposes of study, reference, and recreation. May also provide access to the internet.
- 4.2.125. LOADING UNIT (SPACE) - The area required to accommodate one (1) cargo/delivery truck or similar equivalent vehicle, exclusive of access and turning area.
- 4.2.126. LOCAL STREET- A public street or road designed to provide access to abutting lots and to discourage through traffic.
- 4.2.127. LOT - A tract or parcel of land held in single or separate ownership, that is described by reference to a recorded plan or by metes or bounds, and is intended as a unit for transfer of ownership, use, improvement, dedication or for development exclusive of public or private road right-of-way.
- 4.2.128. LOT, AREA - The horizontal surface area within the lot lines of a lot exclusive of public or private road right-of-way.
- 4.2.129. LOT COVERAGE - That percentage of the lot covered by principal and accessory structures and/or buildings.
- 4.2.130. LOT DEPTH - The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- 4.2.131. LOT WIDTH - The horizontal distance of the building line as measured across the lot between the side lot lines. In the case of a curved building line, the arc distance along the building line shall be used.

- 4.2.132. **MANUFACTURING, HEAVY** - The use of lands or structures for the purpose of creating, assembling, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing, or adopting for sale of any goods, substance, article, thing or service.
- 4.2.133. **MANUFACTURING, LIGHT** - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring lots. Light manufacturing includes the production of the following goods: Home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products; but excludes animal slaughtering, curing or rendering of fats.
- 4.2.134. **MASSAGE THERAPY ESTABLISHMENT** - Any establishment or part thereof where massage services are provided: by a person having graduated from a massage therapy training program approved by the authorizing board within the Commonwealth of Pennsylvania or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or by a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).
- 4.2.135. **MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- 4.2.136. **MEDICAL CLINIC** - A structure where two (2) or more licensed medical professionals provide diagnostic health, medical, surgical, and/or psychiatric services to the general public without overnight accommodation. Such uses may include reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the structure.
- 4.2.137. **MILITARY RELATED FACILITY** - A public or private lot and/or structure(s) approved by the United States Department of Defense and used for the training of military personnel, maintenance, development and manufacturing of military vehicles and equipment, and/or administrative purposes.
- 4.2.138. **MOBILE HOME** - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy

except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

- 4.2.139. **MOBILE HOME PARK** - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.
- 4.2.140. **MOTEL** - A commercial establishment consisting of a building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street parking areas. Supervision is provided in shifts by twenty-four (24) hour on-site management.
- 4.2.141. **MUNICIPAL ADMINISTRATION FACILITY** - Any individual or group of structures or lots utilized for municipally owned and/or operated service facilities for the benefit of the health and welfare of the citizens of West Deer Township and the public at large.
- 4.2.142. **NATURAL GAS COMPRESSOR STATION**- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.
- 4.2.143. **NATURAL GAS PROCESSING PLANT**- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.
- 4.2.144. **NATURAL RESOURCE ANALYSIS** - The process by which sensitive natural resources are inventoried and the total number of allowable dwelling units per acre is calculated.
- 4.2.145. **NATURAL RESOURCE DISTURBANCE** - The number of acres of natural resources that a developer chooses to alter in any way for development purposes.
- 4.2.146. **NATURAL RESOURCE PROTECTION** - The number of acres of natural resources that a developer chooses to leave untouched, prior to and throughout a project's development
- 4.2.147. **NON-CONFORMING LOT** - A lot the area or dimension which was lawful prior to the adoption or amendment of the West Deer Township Zoning Ordinance, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

- 4.2.148. NON-CONFORMING STRUCTURE - A structure or part of a structure not designed to comply with the applicable use provisions of the West Deer Township Zoning Ordinance or amendments thereto, where such structure lawfully existed prior to the application of that Ordinance or amendments. Such non-conforming structures include, but are not limited to, non-conforming signs.
- 4.2.149. NON-CONFORMING USE – 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 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.
- 4.2.150. NURSING/CONVALESCENT CARE FACILITY - A not-for-profit or commercial establishment, licensed as such by the Commonwealth of Pennsylvania, engaged in providing (twenty-four) 24 hour per day inpatient nursing and health-related personal care, utilizing in whole or part licensed and/or registered nurses; but excluding hospital services and excluding day-to-day personal care that is not health care by licensed or registered nurses.
- 4.2.151. OCCUPANCY PERMIT - A statement signed by the Zoning Officer setting forth either that a building or structure complies with this Ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses or both.
- 4.2.152. OFFICE, BUSINESS - A structure where one (1) or more persons are employed in the management, direction, or conducting of business and whose staffs/employees serve clients who seek advice and consultation regarding business. A business office may include the administrative, corporate, or professional offices for profit, non-profit, or charitable organizations.
- 4.2.153. OFFICE, MEDICAL - A structure where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without surgical procedures, overnight accommodation, or pharmacy. Includes such uses as reception areas, offices, consultation rooms, and x-ray, providing that all such uses have access only from the interior of the structure.
- 4.2.154. OFFICE, PROFESSIONAL - A structure where recognized professional(s) such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature; and other offices used primarily for accounting, corresponding, research, editing, or other administrative functions, but not including banks or other financial institutions.
- 4.2.155. OIL AND GAS- Crude oil, fossil fuels, natural gas, methane gas, coal bed methane gas, propane, pentone, carbon dioxide, butane, hydrocarbon gases, oxygen, nitrogen, hydrogen sulfide and other gas species, including all natural gas liquids, and/or any other constituents or similar substances that are

produced by drilling an oil or gas well of any depth into, through and/or below the surface of the earth.

- 4.2.156. **OIL AND GAS DEVELOPMENT or DEVELOPMENT-** The well site preparation, construction, drilling, redrilling, hydraulic fracturing, non-hydraulic fracturing (including stimulation by explosives), and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and Natural Gas Processing Plants or facilities performing the equivalent functions.
- 4.2.157. **OIL OR GAS WELL-** Any reference to an oil or gas well shall mean, either individually or together, a deep well, shallow well or any exploratory well of any kind or type.
- 4.2.158. **OIL AND GAS WELL SITE-** When used herein, the term oil and gas well site shall mean, either individually or together, a deep well site, shallow well site or any other site associated therewith or with an exploratory well.
- 4.2.159. **OPEN SPACE -** Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part of an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities and easements.
- 4.2.160. **PARKING AREA -** An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the parking spaces, but excluding any streets or driveways that provide access to the parking lot.
- 4.2.161. **PARKING GARAGE -** See Garage, Public.
- 4.2.162. **PARKING SPACE -** The area required for parking one (1) automobile, nine feet (9') by eighteen feet (18') excluding access or turning area.
- 4.2.163. **PATIO -** An area consisting of natural or man-made material which is constructed at or near grade level and intended for use as an outdoor living area.
- 4.2.164. **PERMANENT DWELLING -** A structure used exclusively as a residence and designed to permanently occupy a fixed location, as contrasted to a mobile home. Under this Zoning Ordinance, a dwelling shall be classified as either a permanent dwelling or a mobile home, depending on the intention of its designers at the time it is first constructed, manufactured or built.
- 4.2.165. **PERSONAL CARE HOME -** A facility, licensed by the Department of Public Welfare for such purposes, which houses and provides twenty-four (24) hour

personal care services for the elderly, blind, or disabled who are not in need of hospitalization or skilled nursing care. The manager of said personal care home shall be a permanent resident on the site.

- 4.2.166. **PERSONAL SERVICES** - An establishment providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors, tattoo parlors, body piercing parlors and/or other related activities.
- 4.2.167. **PET** - See Household Pet.
- 4.2.168. **PHARMACY** - An establishment that dispenses drugs by prescription. The term pharmacy may also include the provision of a limited selection of housewares and foodstuffs.
- 4.2.169. **PLACE OF ASSEMBLY** - A structure or area of land that is designed for the assembly or collection of persons, for civic, political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities.
- 4.2.170. **PLACE OF WORSHIP** - A structure or area of land where people regularly observe, practice, or participate in religious or spiritual services, meetings, and/or activities.
- 4.2.171. **PLANNED BUSINESS AND TECHNOLOGY PARK** - A property or group of contiguous properties planned and developed as a unified whole to provide lots for a variety of businesses and industrial uses, including some of the following uses: assembly of products completely within an enclosed building, open space, including parks and similar noncommercial recreational uses; and businesses, professional, commercial offices, such as, data storage, telecommunications facilities, corporate financial institutions, daycare facilities, engineering facilities, airports and aviation related facilities, and research laboratories, including biotechnical uses.
- 4.2.172. **PLANNED RESIDENTIAL DEVELOPMENT (PRD)** - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the West Deer Township municipal Zoning Ordinance.
- 4.2.173. **PLANNING COMMISSION [OR COMMISSION]** - The Planning Commission of West Deer Township, Allegheny County, Pennsylvania.
- 4.2.174. **PORCH** - A roofed structure attached to, and forming part of the main building adjacent to a door providing direct access to the building. Porches can be screened but cannot have solid or glass walls. Porches cannot be winterized or plumbed for water supply or sewage. Porches may encroach up to 10 feet into the set-back of the area in which they are built.

- 4.2.175. POST OFFICE - An establishment owned and maintained by the United State Postal Service for the purpose of distributing mail to the public.
- 4.2.176. PRE-MANUFACTURED PARTS - Goods or wares made off-premises and brought to a subject lot or development for further assembly or use.
- 4.2.177. PRINCIPAL USE - See Use, Principal.
- 4.2.178. PRINTER/PUBLISHER - An establishment that provides duplicating services using photocopy, blueprint, and/or offset printing equipment including collating of booklets and reports, and/or prints computer-generated goods on paper or plastic.
- 4.2.179. PRIVATE CLUB - An organization of persons who are identified as members, whether paying or not, which generally meet on a scheduled basis for the purposes of conducting club activities and where such organization and activities do not meet the criteria of a social club. The affairs and management of such club are conducted in accord with bylaws overseen by a board of directors, executive committee or similar body chosen by members at an annual meeting. No commercial activities can be conducted and there can be no overnight accommodations.
- 4.2.180. PRIVATE GARAGE - See Garage, Private.
- 4.2.181. PROFESSIONAL OFFICE - Any office or business conducted by an individual or association including attorneys, architects, chiropractors, engineers, medical doctors and dentists who are licensed under the laws of the Commonwealth of Pennsylvania, but not to include personal services such as barber shops or beauty shops.
- 4.2.182. PUBLIC - Public includes any municipally- state- and/or federally-owned and/or operated use.
- 4.2.183. PUBLIC GARAGE - See Garage, Public.
- 4.2.184. PUBLIC GROUNDS - Include (1) Parks, playgrounds and other public areas; (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- 4.2.185. PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency intended to inform and obtain public comment, prior to taking action in accordance with this act.
- 4.2.186. PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”
- 4.2.187. PUBLIC NOTICE - A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and placing of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

- 4.2.188. **PUBLIC/PRIVATE WORKS** - The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, gas, communication, water supply, and sewage disposal services.
- 4.2.189. **QUADPLEX** - A single structure designed for or occupied exclusively as residences, where the structure is divided by two (2) common party walls into four (4) distinct dwelling units where each dwelling unit has direct access to the outdoors.
- 4.2.190. **RECREATION FACILITY** - An establishment open to the public, that normally charges a fee/admission/donation, whether or not for profit, for the provision of recreation or entertainment for the general public including but not limited to amphitheaters, theaters, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range, indoor archery range, go-kart tracks and automobile race tracks/speedways and not including establishments that feature gaming and/or adult-oriented entertainment.
- 4.2.191. **RESEARCH AND DEVELOPMENT FACILITY** - A structure or group of structures in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 4.2.192. **RESTAURANT, WITH DRIVE THRU** - An establishment where food and drink are served to the public and where the design of physical facilities and/or packaging procedures permit or encourage patrons to order from and/or be served in their automobiles.
- 4.2.193. **RESTAURANT, NO DRIVE THRU** - An establishment where food and drink are served to the public and where all services take place within the building, tableside, or otherwise.
- 4.2.194. **RETAIL BUSINESS/STORE** - An establishment located entirely within a building which sells goods, services or merchandise to the general public for personal, household, or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.
- 4.2.195. **RIGHT-OF-WAY** - Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds Office. For purpose of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public right-of-way. When a lot abuts a right-of-way of a public thoroughfare or alley, all applicable lot area and front, side, and rear lot requirements shall be computed from the public right-of-way line.
- 4.2.196. **ROADSIDE STAND** - A business operated on a lot for the sale of agriculture- and forestry-related products.

- 4.2.197. SALVAGE – Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles (including tires and other parts therefrom), machinery, equipment, paper, glass containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
- 4.2.198. SALVAGE YARDS – Any outdoor area where scrap metal, paper, rags, tires, and other waste and/or used materials are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery, motor vehicles or other Salvage (as defined above) are collected, dismantled, stored or sold for parts.
- 4.2.199. SCHOOL, COMMERCIAL - An academic or non-academic establishment providing non-academic training, vocational, or trade-related educational courses and/or programs.
- 4.2.200. SCHOOL, ACADEMIC - A public, sectarian, or private non-profit establishment approved by the Commonwealth of Pennsylvania to provide formal academic and/or vocational education at the kindergarten, elementary, and secondary levels.
- 4.2.201. SELF-SERVICE STORAGE FACILITY [MINI-WAREHOUSE] - A structure or group of structures consisting of individual self-contained units that are less than five hundred (500) square feet in size and are leased or owned for the storage of business and household goods or contractors supplies.
- 4.2.202. SENIOR CENTER - A structure that provides recreation, social, or non-invasive health maintenance services, such as blood pressure screening, to senior citizens by a professionally trained staff or volunteers.
- 4.2.203. SERVICE STATIONS - An area of land, including structures, used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, sale of motor vehicle accessories which may include associated facilities for automobile servicing, excluding painting.
- 4.2.204. SETBACK - The minimum distance that a structure can be located from a right-of-way or property front, rear and side line or another structure, thereby creating a required open space on a lot.
- 4.2.205. SIGN – Any device, fixture, placard, or structure that use any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- 4.2.206. SIGN AREA - The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.
- 4.2.207. SINGLE-FAMILY ATTACHED DWELLING - A dwelling unit attached to one or more other dwelling units by common party walls where each individual dwelling unit is accessed from the exterior of the unit and where each individual dwelling unit is intended to be occupied by one family.

- 4.2.208. SINGLE-FAMILY DETACHED DWELLING - A structure containing one (1) dwelling unit which is the only principal building on the lot and is intended to be occupied by one family.
- 4.2.209. SHALLOW WELL- A pierced or bored hole drilled or being drilled into the ground but above the Marcellus Shale rock formation for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.
- 4.2.210. SHALLOW WELL SITE- The area occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, fracturing, production or operation of a Shallow Well. This definition also includes any exploratory wells. If multiple areas are used, then the total combined areas shall be considered the Shallow Well Site area
- 4.2.211. SOCIAL CLUB - An organization of persons with an identified purpose for providing services and opportunities associated with civic outreach to all ages of the general public.
- 4.2.212. SOCIAL SERVICES AGENCY - An establishment providing assistance to those persons requiring help with legal, counseling, employment, learning or physical disabilities needs.
- 4.2.213. SPECIAL EXCEPTION - An authorized use which may be granted only by a Zoning Hearing Board pursuant to express standards prescribed in this Ordinance and a hearing conducted by a Zoning Hearing Board pursuant to public notice.
- 4.2.214. SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areolae; or male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 4.2.215. STORAGE WELL- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.
- 4.2.216. STREET RIGHT-OF-WAY LINE - The line defining the edge of the legal width of a dedicated street right-of-way.
- 4.2.217. STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures include, but are not limited to buildings, sheds, signs and landfills.
- 4.2.218. TAVERN/BAR - An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

- 4.2.219. TEMPORARY STRUCTURE - A structure intended to be used for a period of one (1) year or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported structures, seasonal displays, and similar structures.
- 4.2.220. TOWNHOME - A structure consisting of a series of at least three (3), but not more than eight (8), dwelling units attached to each other by continuous vertical walls without opening from basement to roof, with each dwelling unit having separate access to the outdoors and not shared with the access of other dwelling units.
- 4.2.221. UNIT - See Dwelling Unit.
- 4.2.222. USE - The purpose of the activity for which the land or structure thereon is designed, arranged or intended, or for which it is occupied or maintained. The term “principal use” or “use by right,” or its equivalent, shall not be deemed to include any non-conforming use.
- 4.2.223. USE, PRINCIPAL - The major or dominant use of a lot.
- 4.2.224. UTILITY - Within the framework of this Ordinance, utilities shall include public water or public sanitary sewer facilities. Public sewerage facilities are those operated and maintained by the Deer Creek Drainage Basin Authority and/or Richland Township or its designee. Any future expansion of the public sewer system must be in keeping with the “Allegheny County Comprehensive Sewerage Needs Plan” and the Township’s “Comprehensive Plan” Public Water Service by the Municipal Authority of the Borough of Oakmont, the Hampton Township Municipal Authority and Fawn Frazer Joint Water Authority. Each Authority operates and maintains the water system within its respective service areas and is responsible for future expansion in keeping with the Allegheny Comprehensive Water System Needs Plan and the Township’s Comprehensive Plan.
- 4.2.225. VARIANCE - A modification of the regulations of this Ordinance by the Zoning Hearing Board to an owner in the use of land or a structure when a literal enforcement of this Ordinance would result in unnecessary hardship. All variances must be forwarded to the Board of Supervisors and entered in their Official Minutes as a matter of public record.
- 4.2.226. VETERINARY SERVICES - An establishment containing facilities for the medical or surgical treatment of animals or pets. Use as a kennel shall be limited to short-time boarding, shall be fully enclosed within a structure or building, and shall only be incidental to such medical uses.
- 4.2.227. WAREHOUSE/DISTRIBUTION CENTER - A structure or part thereof used for the housing, storage, adapting for sale, packaging, or wholesale distribution of goods, wares, merchandise, food stuff substances, and articles, but excluding the maintenance or fueling of vehicles.

- 4.2.228. WELL OPERATOR- The person (including any natural person, partnership, association, company, corporation or entity of any kind or type), and all subcontractors, agents, (i) designated as the well operator on the permit application or well registration, or (ii) the Applicant.
- 4.2.229. WELL OWNER- A person (including any natural person, partnership, association, company, corporation or entity of any kind or type), who owns, manages, leases, controls or possesses an Oil or Gas Well.
- 4.2.230. WHOLESALE OPERATION - An establishment primarily engaged in selling merchandise to retailers, institutional, commercial, professional business customers, or other wholesalers, rather than to the general public; and may include warehouse(s) and/or distribution center(s) on the site of the principal business.
- 4.2.231. WOODLAND - An area of wooded land one-quarter acre or more where the smallest trees measure at least 6 inches diameter at breast height (dbh) or 4.5 feet from the ground. The woodland shall be measured from the dripline of the outer trees; or a grove of trees forming one canopy where 10 or more trees measure at least 10 inches diameter at breast height (dbh); or areas otherwise identified by the Township as such based upon high resolution aerial photography available through Allegheny County data and/or records.
- 4.2.232. YARD - The area of a property between property lines and setback lines, of dimensions as herein noted in the Zoning Ordinance for each zoning district, within which enclosed buildings, or structures, or any enclosed portion thereof, shall not be constructed. Fences and walls may be permitted in any yard subject to height limitations as indicated herein.
- 4.2.233. YARD, FRONT - The area of a property extending across the entire width of the lot between the front building line and the street line.
- 4.2.234. YARD, REAR - The area of a property extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.
- 4.2.235. YARD, SIDE - The area of a property extending from the side of any building along the side lot line through the entire depth of the building.
- 4.2.236. ZONING - The legal, administrative process whereby a municipality divides its territory into Districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground to be built upon.
- 4.2.237. ZONING HEARING BOARD - The Board assigned the duties of judging various appeals of person aggrieved by the interpretation of the terms of this Ordinance.
- 4.2.238. ZONING MAP - The official Zoning Map or Maps of West Deer Township, which are part of the West Deer Township Zoning Ordinance, and all amendments thereto.

- 4.2.239. ZONING OFFICER - The duly appointed administrative officer designated to administer the Zoning Ordinance and issue zoning or building permits.
- 4.2.240. ZONING PERMIT – A statement signed by the Zoning Officer indicating that the application for permission to construct, alter, or add is approved and in accordance with the requirements of the terms of this Ordinance.

ARTICLE V

ZONING DISTRICTS

Section 5.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Township of West Deer is hereby divided into the following districts:

R	Rural Estate District
R-1	Rural Residential District
R-2	Semi-Suburban Residential District
R-3	Suburban Residential District
R-4	Urban Residential District
C-1	Neighborhood Commercial District
C-2	Highway Commercial District
I	Industrial District
SU	Special Use District
V	Village Corridor Overlay
FP/C	Floodplain/Conservation District
BTP	Business and Technology Park Overlay

Section 5.2 ESTABLISHMENT OF DISTRICT MAP

- 5.2.1. The boundaries of the Districts are hereby established as shown on the map entitled "Official Zoning Districts Map" on file in the office of the Zoning Officer. This Map, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby made a part of this Ordinance.
- 5.2.2. The boundaries of the FP/C Floodplains/Conservation District are established and defined as follows:
 - A. Floodplains are established and defined by the United State Department of Housing and Urban Development, Federal Emergency Management Agency Flood Insurance Study and Maps for West Deer Township dated April 18, 1983 and October 18, 1983, respectively.
 - B. Conservation areas are defined as having a natural slope in excess of an average slope of twenty-five percent (25%) for a horizontal distance of one-hundred and fifty feet (150').
- 5.2.3. The United State Department of Housing and Urban Development, Federal Emergency Management Agency Maps, are hereby referenced, deemed to accompany and are made a part of this Ordinance. Said maps shall be

considered by the Planning Commission and Board of Supervisors in their review and action upon the West Deer Township Zoning Ordinance, proposed zoning ordinance amendments and development proposals permitted within the context of this Ordinance. The Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed within this Ordinance, as it may deemed necessary to implement the purposes of this Ordinance and/or the National Flood Insurance Program and/or the Floodplain Management Ordinance for West Deer Township.

- 5.2.4. Certification of the limits of said natural slope areas as defined in the FP/C Floodplains/Conservation District, shall be provided by a registered professional engineer or land surveyor at the direction of a property owner or developer who shall request a zoning permit as provided under this Ordinance if requested by the Zoning Officer. Said certification shall be requested by the Zoning Officer if based on general information available to him or personal knowledge he shall have reason to believe the requirements of paragraph 5.2.2 B above, shall be applicable.
- 5.2.5. The Official Zoning Districts Map of West Deer Township shall be amended in the manner and to the extent exhibited.

Section 5.3 BOUNDARIES

Where uncertainty exists as the boundaries of Districts as shown on the Official Zoning Districts Map, the following rules shall apply:

- 5.3.1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.3.3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- 5.3.4. Boundaries indicated as parallel or extensions of features indicated in subsections 5.2.1, 5.2.2 and 5.2.3 shall be so construed. Distances not specifically indicated on the Official Zoning Districts Map shall be determined by the scale of the map; and
- 5.3.5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Districts Map, or in other circumstances not covered by subsections 5.2.1 through 5.2.4, the Zoning Hearing Board shall interpret the District Boundaries.

Section 5.4. AUTHORIZED LAND USES BY DISTRICT

Legend

- P** Permitted Use
- C** Conditional Use
- A** Accessory Use

A	RESIDENTIAL USES	R	R-1	R-2	R-3	R-4	C-1	C-2	I	SU	V
1	Apartment				C	C	C				P
2	Boarding House						P				
3	Duplex			P	P	C					P
4	Mobile Home Park					C					
5	Mobile Home					P					
6	Nursing/Convalescent Care Facility				C			P			
7	Planned Residential Development (PRD)			C	C	C					
8	Quadplex				C	C					
9	Single-Family Attached Dwelling										P
10	Single-Family Detached Dwelling	P	P	P	P	P					
11	Townhouse				C	C	C				

B	NON-RESIDENTIAL USES	R	R-1	R-2	R-3	R-4	C-1	C-2	I	SU	V
1	Accessory Structures/Uses	A	A	A	A	A	A	A	A	A	A
2	Adult-Oriented Establishment								C		
3	Agriculture	P	P								
4	Airport								C		
5	Animal Husbandry	P	P								
6	Assembly or Fabrication Facility								P	P	
7	Automobile Garage: See <i>Garage, Automobile Repair</i>										
8	Automobile Sales/Service							C		C	
9	Automobile Rental							C		C	
10	Bank: See <i>Financial Institution</i>										
11	Bakery						P	P		P	P
12	Bed and Breakfast	C	C			C	P				C
13	Billboard							C	C	C	
14	Bowling Alley							P		P	
15	Business and Technology Park								C		
16	Business Services						P	P		P	
17	Campground	C									
18	Car Wash							P		P	
19	Cemetery		C								
20	Cinema							P		P	
21	Clinic: See <i>Medical Clinic</i>										
22	Communications Antenna	P	P	P	P	P	P	P	P	P	
23	Communications Tower								C	C	
24	Conference and Training Center							P		P	
25	Contractor's Yard								C	C	
26	Convenience Store, Neighborhood						P	P		P	C

Section 5.4 AUTHORIZED LAND USE BY DISTRICT – CONTINUED

B	NON-RESIDENTIAL USES	R	R-1	R-2	R-3	R-4	C-1	C-2	I	SU	V
27	Convenience Store with Gasoline						C	C	C	C	
28	Country Club/Golf Course	C	C	C				P		P	
29	Day Care Center						P	P		P	C
30	Day Care Home	P	P	P	P	P					
31	Deep Well Site	C	C	C	C				C		
32	Driving Range	A	A	A				P	P	P	
33	Essential Services	P	P	P	P	P	P	P	P	P	
34	Financial Institution										P
35	Flex Space								P	P	
36	Food Packaging Facility								P		
37	Forestry	P	P	P	P	P	P	P	P	P	
38	Funeral Home				C	C	C	P		P	
39	Garage, Automobile Repair							C	C	C	
40	Garage, Public							C	C	C	
41	Garage, Private	A	A	A	A	A	A	A	A	A	
42	Garden Center/Nursery							P		P	
43	Gas and Oil Production	C	C	C	C	C	C	C	C	C	C
44	Gas Station: See <i>Convenience Store with Gasoline</i>										
45	Home Based Business, No Impact	P	P	P	P	P					P
46	Home Based Business, Other	C	C	C	C	C					C
47	Hospital				C			C		P	
48	Hotel/Motel							P		P	
49	Keeping of Horses, Boarding	P	P								
50	Keeping of Horses, Personal	P	P	P							
51	Kennel, Animal							C	C	C	
52	Library						P	P		P	
53	Manufacturing, Heavy								P		
54	Manufacturing, Light								P	P	
55	Massage Therapy Establishment						P	P		P	
56	Medical Clinic						C	P		P	
57	Military Related Facility								C		
58	Motel: See <i>Hotel/Motel</i>										
59	Municipal Administration Facility						C				
60	Natural Gas Compressor Station	C	C						C	C	
61	Natural Gas Processing Plant								C		
62	Office, Business, <5,000 s.f.						P	P	A	P	
63	Office, Business, >5,000 s.f. and <40,000 s.f.						C	P	A	P	
64	Office, Business, >40,000 s.f.							C		C	
65	Office, Medical						C	P		P	C
66	Office, Professional						P	P		P	P
67	Open Space	P	P	P	P	P	P	P	P	P	
68	Parking Areas						A	A	A	C	C
69	Parking Garage: See <i>Garage, Public</i>										
70	Parks	P	P	P	P	P	P	P	P	P	P
71	Personal Services						C	P		P	P

Section 5.4 AUTHORIZED LAND USE BY DISTRICT – CONTINUED

B	NON-RESIDENTIAL USES	R	R-1	R-2	R-3	R-4	C-1	C-2	I	SU	V
72	Pharmacy						P	P		P	
73	Place of Assembly	C	C	C	C	C	C	C		C	C
74	Place of Worship	C	C	C	C	C	C	C		C	C
75	Planned Non-Residential Development (PNRD)						P	P	P	P	
76	Post Office						P	P		P	
77	Printer/Publisher								P		
78	Private Club						C	C		C	
79	Public/Private Works	C	C	C	C	C	C	P	P	P	C
80	Recreation Facility, Profit						C	P		P	
81	Recreation Facility, Non-Profit			C	C			P			
82	Research and Development Facility								P	P	
83	Restaurant: With Drive Thru							C		C	
84	Restaurant: No Drive Thru						P	P		P	
85	Retail/Business Store, <10,000 s.f.						P	P		P	P
86	Retail/Business Store >10,000 s.f. and <40,000 s.f.							C		C	
87	Retail/Business Store >40,000 s.f.							C		C	
88	Roadside Stand	A	A				C	P	P	P	
89	Salvage Yard								P		
90	School, Commercial							P	P	P	
91	School, Academic	C	C	C	C	C	C	C		C	
92	Self-Service Storage Facility (mini-warehouse)								C	C	
93	Senior Center						P	P		P	
94	Shallow Well Site	C	C	C	C	C		C	C	C	
95	Social Club						C	C		C	
96	Social Services Agency						C	P		P	
97	Tavern/Bar						C	P		C	
98	Temporary Structure	A	A	A	A	A	A	A	A	A	A
99	Veterinary Services						C	P		P	
100	Warehouse/Distribution Center								P	C	
101	Wholesale Operation								P	P	
102	<i>All Other Uses</i>								C		

Section 5.5. DIMENSIONAL REQUIREMENTS

5.5.1. Conventional Development Dimensional Table

District	Land Use	Density (d/u per acre)	Building Height (Stories)	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Rear Yard Setback (Principal Use)	Rear Yard Setback (Accessory Use)	Side Yard Setback (Principal Use)	Side Yard Setback (Street Side on Corner Lot)	Required Common Open Space
R	Single-Family	0.33	35' (2.5)	130,680	300'	50'	75'	25'	35'	35'	N/A
R-1	Single-Family	1.00	35' (2.5)	43,560	150'	50'	75'	25'	25'	35'	N/A
R-2	Single-Family (No Utilities)	1.00	35' (2.5)	43,560	150'	35'	40'	10'	15'	35'	N/A
	Single-Family (All Utilities)	2.00		21,780	100'						
	Duplex with zero lot lines (No Utilities)***	1.45		60,000	200'						
	Duplex with zero lot lines (All Utilities)***	1.00		25,000	100'						
	Townhome	4.36		20,000	100'						
R-3	Single-Family (No Utilities)	1.00	35' (2.5)	43,560	100'	35'	40'	10'	15'	35'	N/A
	Single-Family (All Utilities)	2.90		15,000	75'				20'		
	Multi-Family (2-6 Units)	4.36		20,000*	160'						
R-4	Single-Family (No Utilities)	1.00	35' (2.5)	43,560	100'	25'	40'	5'	12'	25'	N/A
		Single-Family (All Utilities)		5.81	7,500						
PRD	R-2 R-3 R-4	3.00 3.00 6.00	N/A	21,780 15,000 7,500	N/A	50' buffer on perimeter 25' buffer on perimeter 25' buffer on perimeter					30%net**

*An additional 2,500 square feet must be added with each additional unit more than two (2).

**Minimum 30% o net site area exclusive of roads, easements stormwater detention areas. Space between buildings and front perimeter is excluded from common space. Max 70% net site area residential including building, parking, private yards, and counts.

*** Duplex – in the case of a zero lot line structure, the minimum lot and area required shall be 30,000 square feet with no utilities and 12,500 square feet with utilities for each sub-lot; the minimum lot width shall be 100 feet with no utilities and 50 feet with utilities for each sub-lot; there shall be no minimum side yard requirement at the common party wall. The minimum side yard setback for non-common party walls shall be 15'.

5.5.2. Cluster Residential Development Dimensional Table

Base Zoning District	Land Use	Maximum Allowable		Minimum Requirements						
		Density (d/u per acre) Note: To be used in Box 30 and/or 32 of Natural Resource Analysis	Building Height (Stories)	Lot Area (Square Feet)	Lot Width	Front Yard	Rear Yard Setback (Principal Use)	Rear Yard Setback (Accessory Use)	Side Yard Setback (Principal Use)	Side Yard Setback (Street Side on Corner Lot)
R	Single-Family	0.5	35' (2.5)	87,120	200'	50'	75'	25'	35'	35'
R-1	Single-Family	2	35' (2.5)	21,780	110'	40'	75'	20'	25'	35'
R-2	Single-Family	4	35' (2.5)	10,890	70'	30'	30'	10'	12'	20'
R-3	Single-Family	5	35' (2.5)	8,712	60'	25'	30'	6'	10'	20'

5.5.3 Non-Residential Dimensional Table

District	Max. Lot Coverage	Max. Building Height (Stories)	Min. Lot Area (Sq. Ft.)	Min. Lot Width	Min. Front Yard	Min. Rear Yard	Min. Side Yard Setback when adjoining...		
							Non-Residential	Residential	Street Side on Corner Lot
C-1	30%	35' (2.5)	20,000	100'	50'	30'	15'	25'	50'
C-2	30%	35' (2.5)	30,000	150'	50'	30'	15'	25'	50'
I	30%	35' (2.5)	30,000	150'	50'	50'	20'	50'	50'
SU	40%	35' (3)	43,560	200'	50'	50'	50'	50'	50'

ARTICLE VI

APPLICATION OF REGULATIONS

Section 6.1 USE OF PROPERTY

No building or land shall hereafter 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 in which it is located.

Section 6.2 RESTRICTIONS

- 6.2.1. No building shall hereafter be erected or altered:
 - A. To exceed the height;
 - B. To accommodate a greater number of families;
 - C. To occupy a greater percentage of lot area; and
 - D. To have narrower or smaller rear yards, front yards or side yards than is specified herein for the district in which such building is located.
- 6.2.2. No part of a yard or other space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 6.3 CONVENTIONAL DEVELOPMENT

See Section 5.5.1.

Section 6.4 CLUSTER DEVELOPMENT

- 6.4.1 Cluster development provides a developer with development flexibility in return for open space conservation, compact development patterns and efficient use of available infrastructure.
- 6.4.2 Cluster development is a voluntary development option applicable to any property situated within the R, R-1, R-2 and R-3 residential zoning districts when the proposed development complies with the provisions of the Natural Resource Inventory and Analysis, Section 21.5.
- 6.4.3 Cluster development proposed within any R-1, R-2 and/or R-3 residential zoning district shall be required to be serviced by public sewage infrastructure.
- 6.4.4 Cluster development is not required and shall be permitted as defined in Section 4.2. It shall be the responsibility of the developer to apply to West Deer Township for the cluster residential development option.

- 6.4.5 No lot within a cluster development shall have a total lot area less than the minimum lot area as defined by Section 5.5.2 - Cluster Development Dimensional Table. The area of a lot shall be measured in square feet.
- 6.4.6 All cluster developments shall comply with the minimum yard, setback and lot coverage requirements defined in Section 5.5.2. - Cluster Development Dimensional Table.
- 6.4.7 The maximum number of lots permitted within a cluster development shall be computed in accordance with Natural Resource Analysis, Section 21.5.
- 6.4.8 The balance of the land not utilized for residential lots and/or rights-of-way shall be reserved as common open space. Ownership of the common open space shall be determined and approved by the Board of Supervisors prior to final application approval.

ARTICLE VII

R: RURAL ESTATE DISTRICT

Section 7.1 PRINCIPAL USES

Land Uses - See Section 5.4.

Conventional Development - See Section 5.5.1 for standards and criteria.

Cluster Development - See Sections 5.5.1 and 6.4 for standards and criteria.

Section 7.2 ACCESSORY USES

A. Private garages or parking areas.

B. Other accessory uses customarily incidental to a principal use.

C. Accessory buildings such as tool or garden sheds, chicken houses, barns, silos, corncribs, smokehouses, and private garages.

D. Roadside stands selling products produced on the premises. Display counters and stands shall be erected at least thirty-five feet (35') from the cartway, including a minimum of ten (10) off-street parking spaces.

E. Signs - See Section 19.16.

F. See Section 5.4.

Section 7.3 CONDITIONAL USE

Land Uses - See Section 5.4.

See Section 23.4 for standards and criteria.

Section 7.4 LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 7.5 OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE VIII

R-1: RURAL RESIDENTIAL DISTRICT

Section 8.1 PRINCIPAL USES

Land Uses - See Section 5.4.

Conventional Development - See Section 5.5.1 for standards and criteria.

Cluster Development - See Sections 5.5.1 and 6.4 for standards and criteria.

Section 8.2 ACCESSORY USES

A. Private garages or parking areas.

B. Other accessory uses customarily incidental to a principal use.

C. Accessory buildings such as tool or garden sheds, chicken houses, barns, silos, corncribs, smokehouses and private garages.

D. Roadside stands selling products produced on the premises. Display counters and stands shall be erected at least thirty-five feet (35') from the cartway, including a minimum of ten (10) off-street parking spaces.

E. Signs - See Section 19.16.

F. See Section 5.4.

Section 8.3 CONDITIONAL USES

Land Uses - See Section 5.4.

See Section 23.4 for standards and criteria.

Section 8.4 LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Sections 5.5.

Section 8.5 OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE IX

R-2: SEMI-SUBURBAN RESIDENTIAL DISTRICT

Section 9.1. PRINCIPAL USES

Land Uses - See Section 5.4.

Conventional Development - See Section 5.5.1 for standards and criteria.

Cluster Development - See Sections 5.5.1 and 6.4 for standards and criteria.

Section 9.2. ACCESSORY USES

A. Private garages or parking areas.

B. Other accessory uses customarily incidental to a principal use.

C. Signs - See Section 19.16.

Section 9.3. CONDITIONAL USES

Land Uses - See Section 5.4.

See Section 23.4 for standards and criteria.

Section 9.4. LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 9.5. OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE X

R-3: SUBURBAN RESIDENTIAL DISTRICT

Section 10.1 PRINCIPAL USES

Land Uses - See Section 5.4.

Conventional Development - See Section 5.5.1 for standards and criteria.

Cluster Development - See Sections 5.5.1 and 6.4 for standards and criteria.

Section 10.2 ACCESSORY USES

A. Private garages or parking areas.

B. Other accessory uses customarily incidental to a principal use.

C. Signs - See Section 19.16.

Section 10.3 CONDITIONAL USES

Land Uses - See Section 5.4.

See Section 23.4 for standards and criteria.

Section 10.4 LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 10.5 OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE XI

R-4: URBAN RESIDENTIAL DISTRICT

Section 11.1. PRINCIPAL USES

Land Uses - See Section 5.4.

Conventional Development - See Section 5.5.1 for standards and criteria.

Section 11.2. ACCESSORY USES

A. Private garages or parking areas (noncommercial).

B. Other accessory uses customarily incidental to a principal use.

C. Signs - See Section 19.16.

D. See also Section 5.4.

Section 11.3. CONDITIONAL USES

Land Uses - See Section 5.4.

See Section 24.4 for standards and criteria.

Section 11.4. LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 11.5. OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE XII

C-1: NEIGHBORHOOD COMMERCIAL DISTRICT

Section 12.1. PRINCIPAL AND CONDITIONAL USES

Land Uses - See Section 5.4 and 23.4.

Section 12.2. ACCESSORY USES

- A. Accessory uses on the same lot with and customarily incidental to a principal use.
- B. Signs - See Section 19.16.
- C. See Section 5.4.

Section 12.3. LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 12.4. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 19.10.

ARTICLE XIII

C-2: HIGHWAY COMMERCIAL DISTRICT

Section 13.1. PRINCIPAL USES

Land Uses - See Section 5.4.

Section 13.2. ACCESSORY USES

- A. Accessory uses on the same lot customarily incidental to a principal use.
- B. Signs - See Section 19.16.
- C. See Section 5.4.

Section 13.3. CONDITIONAL USES

Land Uses - See Section 5.4.

See Section 23.4 for standards and criteria.

Section 13.4. LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 13.5. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 19.10.

ARTICLE XIV

I: INDUSTRIAL DISTRICT

Section 14.1. PRINCIPAL, ACCESSORY AND CONDITIONAL USES

Land Uses - See Section 5.4 and 23.4.

Signs - See Section 19.16.

Section 14.2. LOT AND AREA REQUIREMENTS

See Section 5.5.

Section 14.3. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 19.10.

Section 14.4 OUTSIDE STORAGE

- 14.4.1. All outside storage of materials shall be screened from view from any adjacent public street or from beyond the edge of the Industrial District in accordance with Section 14.4.3.
- 14.4.2. Outdoor storage of liquids shall be either in vented underground tanks, required if liquids are flammable, or in tanks set at grade, surrounded by a dike of sufficient height and capacity to contain the maximum capacity of the tanks thus provided.
- 14.4.3. Screening from adjacent residential properties - Developers of industrial property adjacent to existing residentially developed property shall provide a screen along the rear property line and along the side property lines up to the point of intersection with the front yard setback line. Required screening shall take the form of a continuous hedge which, when mature, is at least six feet (6') high with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials, or a line of evergreen trees at least three feet (3') high when planted, that will grow together when mature, with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials.
- 14.4.4. Landscaping - All areas of any industrial property not covered by buildings or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.

Section 14.5. DEVELOPMENT STANDARDS

- 14.5.1. No lighting on any industrial property shall produce a glare upon adjacent properties. Glare shall meet the provisions of this Ordinance.
- 14.5.2. No noise, as measured along the boundary separating residential or commercial districts or uses from an Industrial District, shall exceed fifty (50) decibels, whether or not such noise is intermittent or steady.
- 14.5.3. No waste material of any kind may be burned in the open air on any industrial property.
- 14.5.4. In no case shall smoke emitted from any heating or manufacturing process exceed a density equivalent to number two (2) on the Ringelmann type smoke detection chart.
- 14.5.5. Manufacturing process producing dust and dirt shall be confined within a completely enclosed area.
- 14.5.6. Dust, dirt, gases, and odors shall be gathered within the building housing the manufacturing process producing such by-products or within equipment designed for collecting or processing such products.
- 14.5.7. Vibration from any operation within the Industrial District shall not be discernible outside the property in which the vibration producing equipment is located.
- 14.5.8. Construction Materials – In the Industrial District and Special Use District, the architectural character should attempt to compliment the neighboring development. All exterior walls or buildings are to be finished with face brick, synthetic stucco, including “dryvit”, stone and architectural metal. Metal cladding of warehouse structures shall not exceed sixty percent (60%) of the wall surface. Exterior glass and metal enclosure (curtain) walls may be used for office portions of a building. Concrete block or poured concrete wall treatments (when used in an architectural fashion) shall be subject to Planning Commission approval.
- 14.5.9. Waste Disposal - All refuse, if stored outside the building, is to be kept in containers stacked in a neat and safe manner, and shall be removed at least once a week, or as scheduled by the waste disposal company, and is to be totally enclosed and screened from view from streets and from adjoining properties. No burial of waste material is permitted on the site.
- 14.5.10. Buildings of thirty-five (35) feet in height or less shall be screened in accordance with Section 21.4.1 (C) (1) of this Ordinance. For buildings over thirty-five (35) feet in height, Section 21.4.1 (C) (1) of this Ordinance shall apply with respect to the first thirty-five (35) feet in height. Above the thirty-five (35) foot height, buildings shall be substantially screened from view of residential structures fifteen-hundred (1500) linear feet of the buildings. For purposes of this Ordinance, the term “substantially screened” shall mean intermittent obstructions which may include walls or fences, trees and/or earth

mounding. Any earth mounding shall not exceed fifty percent (50%) of the required screening area. The exposed sides of any earth mounding shall be appropriately landscaped. Any trees shall screen at least fifty percent (50%) of the remaining structure above thirty-five (35) feet upon reaching full maturity. The property owner shall maintain all screening.

- 14.5.11. Site lighting shall be reduced to zero (0.0) footcandle at the perimeter property line.
- 14.5.12. One (1) shade tree of a minimum of one and one half (1-1/2) inch dbh (diameter at breast height) shall be planted within any parking area per each ten (10) parking spaces.
- 14.5.13. For new development and/or redevelopment, street trees shall be provided along the entire length of the street right of way. Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street right of way. Street trees shall be located to enable utility maintenance, required sight distances and visibility of street and traffic signs.

ARTICLE XV

FP/C: FLOODPLAIN/CONSERVATION DISTRICT

Section 15.1. PRINCIPAL USES

- 15.1.1. Principal uses in Floodplain Areas - Development in areas designated as floodplains by the Federal Emergency Management Agency, Flood Insurance Study and Maps is restricted to the uses and conditions of development as established in the West Deer Township "Floodplain Management Ordinance," enacted October 13, 1983.
- 15.1.2. Principal Uses in Conservation Areas
 - A. Single-family detached dwellings permitted as a Conditional Use upon review and approval as required by this Ordinance.
 - B. Parks, playgrounds, or other similar recreational uses.
 - C. Municipal, civic or public buildings.
 - D. Tree nurseries.
 - E. Agricultural activities.
 - F. Animal grazing land.
 - G. Horses and/or ponies are permitted in accordance with the following:
 - 1. The minimum lot area required is three (3) or more acres in size.
 - 2. One (1) acre of fenced land for each horse or pony not to exceed a combined total of eight (8) horses or ponies.
 - 3. The land area used by such animals is completely enclosed by a fence or other method of enclosure located a minimum of one hundred feet (100') from any residential lot line.
 - 4. The animals are housed only for recreational use of the individuals living on the premises.
 - 5. Animal excretions are stored or stockpiled for no longer than a one (1) month period of time.
 - 6. Accessory buildings housing the animals are located a minimum of one hundred feet (100') from any residential lot line.

Section 15.2. ACCESSORY USES

- A. Private garages or parking areas.
- B. Other accessory uses customarily incidental to a principal use.
- C. Signs - See Section 19.16.

Section 15.3. LOT AND AREA REQUIREMENTS

- A. Minimum lot area (single-family) 43,560 square feet (1 acre)
- B. Minimum lot width one hundred fifty feet (150')
- C. Minimum front yard fifty feet (50')
- D. Minimum side yard
 - 1. Principal use thirty-five feet (35') minimum per side
 - 2. Street side on corner lot fifty feet (50') minimum
- E. Minimum rear yard
 - 1. Principal use seventy-five feet (75')
 - 2. Accessory Use twenty-five feet (25')
- F. Maximum building height two and one-half (2-1/2) stories not to exceed thirty-five feet (35')

Section 15.4. OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE XVI

SU: SPECIAL USE DISTRICT

Section 16.1. PRINCIPAL USES

Land Uses - See Section 5.4.

Conventional Development - See Section 5.5.

Section 16.2. ACCESSORY USES AND STRUCTURES

- A. Offices and administrative buildings associated with the principal permitted use.
- B. Storage structures customarily associated with the principal permitted use.
- C. Parking areas for employees, visitors, company vehicles.
- D. Loading and truck maneuvering areas.
- E. Railroad sidings, lead tracks.
- F. Limited outdoor storage - See Section 14.4.
- G. Signs - See Section 19.16.
- H. See Section 5.4.

Section 16.3. CONDITIONAL USES

See Section 23.4.

Section 16.4. LOT AND AREA REQUIREMENTS

Dimensional Requirements - See Section 5.5.

Section 16.5. OFF-STREET PARKING REQUIREMENTS

Parking between the front lot line and the front building facade shall be limited to visitors and building executives. For additional requirements, see also Section 19.10.

Section 16.6. YARD AND BULK REQUIREMENTS FOR ACCESSORY STRUCTURES

A. Location:

1. Front yard not permitted
2. Side yard
 - a) adjoining residential district twenty-five feet (25')
 - b) adjoining nonresidential district fifteen feet (15')
3. Rear yard:
 - a) adjoining residential district twenty-five feet (25')
 - b) adjoining nonresidential district fifteen feet (15')

B. Maximum height fifteen feet (15')

Section 16.7. OUTSIDE STORAGE

See Section 14.4.4.

- 16.7.1 Liquid materials shall be stored in vented tanks below grade or in tanks set at grade, not exceeding twenty feet (20') in height, surrounded by a dike of sufficient capacity to contain the maximum volume of the tank or tanks thus protected.
- 16.7.2 All outdoor storage of materials, liquid or solid, shall comply with requirements of the National Fire Code or those regulations as adopted by West Deer Township.

Section 16.8. LANDSCAPING

See Section 21.4.2.

- 16.8.1. A minimum of fifty percent (50%) of the front yard area is to be landscaped with lawn or other appropriate planting materials such as trees and shrubs.
- 16.8.2. Side and rear yards are to be landscaped with grass or the appropriate plantings. Required buffer plantings may be included as required landscaping.
- 16.8.3. All slopes are to be entirely covered by grass or ground cover.
- 16.8.4. Landscaping may take the form of grassed areas, low trees, flower beds, mulching materials, boulders or other pre-approved man-made features.
- 16.8.5. All landscaping shall be maintained by the property owner.

Section 16.9. WASTE DISPOSAL

- 16.9.1. All refuse stored outside shall be kept in containers which are totally enclosed and screened from view from streets and adjoining properties.
- 16.9.2. No burial of waste materials is permitted on site.

Section 16.10. SIGNS

See Section 19.16

Section 16.11. DEVELOPMENT STANDARDS

In addition to the regulations established in this Section, all uses in this district shall be required to address the requirements of Sections 14.5 and 21.4 of this Ordinance.

ARTICLE XVII

V: VILLAGE DISTRICT OVERLAY

Section 17.1 PRINCIPAL, ACCESSORY AND CONDITIONAL USES

Land Uses - See Section 5.4 and 23.4 for standards and criteria.

Signs - See Section 19.16.

Section 17.2. LOT AND AREA REQUIREMENTS

A minimum of 25% of the front yard shall be landscaped.

Section 17.3. SUPPLEMENTAL REQUIREMENTS

- 17.3.1. One tree of a minimum 2" caliper shall be planted per 5 parking spaces. Plantings shall be located within or immediately adjacent to the parking area.
- 17.3.2. The Board of Supervisors may adjust the required number of parking spaces by considering locally available public and/or private parking or based on the parking needs of the proposed use.
- 17.3.3. If more construction exceeds 50% of the assessed value of the existing structure the Developer shall install sidewalks, street shade trees, provisions for street lighting and additional paving width for parking in accordance with the Typical Village District Overlay Cross Section in the West Deer Township Construction Standards.

Section 17.4. OFF-STREET PARKING REQUIREMENTS

See Section 19.10.

ARTICLE XVIII

PLANNED RESIDENTIAL DEVELOPMENT

Section 18.1 PURPOSE

Promote economical and efficient use of land while providing a comfortable blend of housing types, limited commercial, amenities and community facilities of high quality oriented to specific site and preservation of natural scenic qualities of open areas.

- 18.1.1. Application - A PRD may be permitted as a conditional use in R-2, R-3, and R-4 zones, subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures enumerated in this Article, as set forth herein. Certain provisions of this Ordinance and the respective Subdivision Ordinance shall not be applied to PRD proposals accepted for review, except when specifically indicated by the provisions contained herein.
- 18.1.2. Each PRD shall have a unitary site plan, a mixture of housing types and land uses, usable common open space, site-related circulation systems and preservation of significant natural features.

Section 18.2. OWNERSHIP REQUIREMENTS

- 18.2.1. The minimum land area for a PRD shall be ten (10) contiguous acres in the R-2 zone and five (5) contiguous acres in zones R-3 and R-4. Public easements or private roads shall not be construed as an interruption or division of a tract of land proposed for a PRD.
- 18.2.2. Prior to the Pre-Application Conference, the developer of a PRD shall provide evidence of a full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed binding sales agreement evidencing equitable title in it.
- 18.2.3. A PRD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan.

Section 18.3. AVAILABILITY OF PUBLIC SERVICES AND ACCESS

- 18.3.1. Public sewage and water service shall be supplied to each building or structure to be erected in a PRD.
- 18.3.2. The developer shall provide within a PRD a stormwater drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable stormwater run-off within the PRD and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania, Allegheny County and West Deer Township including the Subdivision and Land Development Ordinance.

- 18.3.3. A PRD shall be related to the local regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission and the Board of Supervisors, that traffic circulation problems will not be created and that the proposed road system is adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD generated traffic.

Section 18.4. REVIEW, PROCEDURES AND SUPPORTING DOCUMENTATION

- 18.4.1. The PRD provisions of this Ordinance shall be applied by the Planning Commission, staff and municipal consultants which shall review all applications on the basis of specified standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures. The Board of Supervisors shall conduct public hearings and have final authority to approve, modify or disapprove a PRD.
- 18.4.2. A developer shall obtain required approvals for a PRD by following a four (4) step review process which shall consist of a Pre-Application Conference, a Preliminary Development Plan Review, Public Hearings, and a Final Development Plan Review.
- A. Pre-Application Conference - Each applicant may confer with the Township Secretary to schedule a Pre-Application Conference. It shall be the responsibility of the Township Secretary to arrange a conference with the Planning Commission. The conference shall include members of the Planning Commission and designated members of the Board of Supervisors. The Solicitor, local utility service representatives, Township Engineer, Police Department and others deemed appropriate may also be requested to attend such conference. Items to be addressed at the pre-application conference shall include but not be limited to the following:
1. Location of the proposed PRD site;
 2. Points of access and road names;
 3. Public sewage and water services, other utilities and location of said services/utilities;
 4. Topography of the proposed PRD site;
 5. Conceptual stormwater management plan; and
 6. Significant stands of trees, size and species.
- B. Preliminary Development Plan (Application for Tentative Approval) - Within one hundred and twenty (120) days following the Pre-Application Conference, twenty (20) copies of a Preliminary Development Plan shall be presented in sufficient detail to provide the Planning Commission with a major substantive review of the proposed PRD. Such Preliminary Development Plan shall constitute the Application for Tentative Approval. The following documentation shall be submitted in support of the Application:

1. Written Documents:
 - a) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - b) A statement identifying the planning objective(s) to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development.
 - c) Data indicating the following - total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures (in both square footage and percentage), approximate gross and net residential densities, total amount of open space (including a separate figure for common open space and usable open space), economic feasibility studies or market analyses where reasonably necessary and other studies as may be designated by the Planning Commission.
2. Location Map - This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings and structures within five hundred feet (500') of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.
3. Site Plan and Supporting Maps - A site plan at a scale no smaller than one inch equals fifty feet (1"=50') and any maps necessary in the opinion of the Planning Commission on a scale as required by it to show the major details of the proposed PRD, which site plan and maps shall also contain the following minimum information:
 - a) The existing and proposed site conditions including contours at a minimum intervals of two feet (2'), watercourses, flood plains, forest cover, soils, and natural features considered significant by the Planning Commission.
 - b) Proposed lot lines and subdivision plan, if any.
 - c) The location of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units and density per type. Preliminary elevations and/or architectural renderings of typical structures shall be provided. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements.
 - d) The location and size, in acres and square feet, of all areas to be conveyed, dedicated or reserved as common open space.
 - e) The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas,

service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development).

- f) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.
 - g) The existing and proposed utilities systems, including sanitary sewers, storm sewers, water, electric, gas, cable T.V. and telephone lines.
 - h) The existing and proposed common open space and buffers.
 - i) Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.
4. Projected Scheduling of Stages - In the case of development plans which call for development over a period of years, a schedule showing such stages shall be provided. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval or as each stage of development is completed, whichever shall first occur.

C. Public Hearings and Approval:

- 1. Within sixty (60) days following receipt of a completed Application for Tentative Approval of a PRD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Board of Supervisors. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.
- 2. The Board of Supervisors may offer mediation as an aid in completing proceedings authorized by this Article.
- 3. The Board within sixty (60) days following the conclusion of the public hearing or within 180 days after the date of filing the application, whichever occurs first. Official written communication to the developer, shall be either:
 - a) Grant tentative approval of the Preliminary Development as submitted;
 - b) Grant tentative approval of the Preliminary Development Plan subject to specified conditions not included in the Preliminary Development Plan as submitted; or
 - c) Deny tentative approval.

Failure to so act within such period of time shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as

submitted. In the event, however, that the tentative approval of the Preliminary Development Plan is granted subject to specified conditions, the developer may within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify such Board of his refusal to accept all such conditions, in which event tentative approval of the Preliminary Development Plan is deemed to be denied. In the event the developer does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the Preliminary Development Plan, with all said conditions, shall stand as granted.

- d) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial of the application. Said communication shall set forth specifically in what respects the development plan would, or would not be, in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - 1) In those respects in which the development is or is not consistent with the Indiana-West Deer Township Joint Comprehensive Plan for the development of the Township.
 - 2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - 3) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - 4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - 5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - 6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the

public and of the residents of the planned residential development in the integrity of the development plan.

- e) In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.
- D. Criteria for Tentative Approval - The Board of Supervisors may give tentative approval to a Preliminary Development Plan, if and only if, it is found to meet the following criteria:
- 1. The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this Ordinance, preserves the Community Development Objectives of this Ordinance and complies with all relevant county and state regulations.
 - 2. Where the proposed Preliminary Development Plan provides standards varying from those in this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure is in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.
 - 3. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use and type of residential development proposed.
 - 4. The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
 - 5. The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood in which it is located.
 - 6. The proposed Preliminary Development Plan will afford adequate protection of natural water courses, topsoil, trees, and other features

of the natural environment and will prevent erosion, landslides, siltation and flooding.

7. In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and of the residents of the PRD in the integrity of the Final Development Plan.
 8. The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.
- E. In the event that a Preliminary Development Plan is given tentative approval, and thereafter, but prior to final approval, the landowner shall elect to abandon said Preliminary Development Plan and shall so notify the Board of Supervisors, in writing; or, in the event the landowner shall fail to file application or applications for final approval within the required period of time, or times, as the case may be, the tentative approval shall be deemed revoked. All that portion of the area included in the development plan for which approval has been revoked, shall be subject to all Township ordinances otherwise applicable, in effect at that time, and the same shall be noted on the zoning map and in the records of the Township Secretary or Clerk.
- F. Final Development Plan (Application for Final Approval) - After the Preliminary Development Plan is tentatively approved by the Board of Supervisors, the developer shall thereafter submit twelve (12) copies of the Final Development Plan, which shall consist of detailed plans for any part or section of the land for which he/she desired final approval, which Final Development Plan shall constitute the Application for Final Approval. No building permit shall be issued until after final approval by the Board of Supervisors of the detailed plans for the part or section in which the proposed development is located. Final approval of any detailed plans shall lapse unless construction is started in that part or section within one (1) year after such approval.
1. In the event the Application for Final Approval has been filed, together with all drawings, specifications and other written communication of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant such Final Development Plan final approval.
 2. Changes in the location and siting of building structures deemed to not impact grading, lot access, adjacent right-of-way safety, height, or other bulk regulations by the Board of Supervisors may be authorized by it without additional public hearings, if required by engineering or other circumstances not foreseen at the time the Preliminary

Development Plan was tentatively approved. However, gross and net density established by the tentatively approved Preliminary Plan shall not change.

3. The Final Development Plan shall comply with the provisions of other existing ordinances related to development within the Township, Allegheny County and the Commonwealth of Pennsylvania, and shall include:
 - a) All data required for final plan as specified in the Township's Subdivision and Land Development Ordinance.
 - b) Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open space.
 - c) The number of families to be housed in each building or structure and intended use of each building or structure.
 - d) A statement indicating those units or buildings which will be retained by the developer, his heirs or assigns for use as rental properties.
 - e) The Landscape Development Plan, including the location and types of materials of sidewalks, trails, recreation facilities as permitted by this Ordinance.
 - 1) A general landscape plan indicating the treatment and material used for active and passive open space.
 - 2) The proposed landscaping treatment of the perimeter of the PRD.
 - 3) The proposed landscaping treatment of each building lot within the development.
 - f) Supplementary data to include any covenants, grant of easements or other restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership and operation of common open space facilities.
 - g) An engineering report which shall include the following data wherever pertinent.
 - 1) Profiles, cross sections and specifications for proposed highway, street or road improvements.
 - 2) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewer systems.
 - 3) Feasibility report of the proposed sanitary sewer system in terms of capacity to serve the proposed development.
 - h) An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control

measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation, including but not limited to the following:

- 1) The topographic features of the site area;
 - 2) The types depth, slope and extent of the soils by area;
 - 3) The proposed alteration to the site area;
 - 4) The amount of runoff from the site area and the upstream watershed area;
 - 5) The staging of earthmoving activities;
 - 6) Temporary control measures and facilities of use during earthmoving.
 - 7) Permanent control measures and facilities for long-term protection.
 - 8) A maintenance program for the control facilities including disposal of materials removed from the control facilities or site area.
- i) Sub-surface conditions, including data on slope stability and past or possible future mining activity and operations for oil and gas.
 - j) A minimum of three (3) sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.
 - k) Location and type of temporary construction or sales office and equipment parking areas.
 - l) Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.
4. Should the Final Development Plan as submitted contain variations from the Preliminary Development Plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall hold a public hearing for comment on the application as revised within forty-five (45) days from filing of the Application for Final Approval so advise the developer in writing of such refusal. In the event of such refusal, the developer may either:
- a) Refile his Application for Final Approval without the variations objected to, in which case the Board of Supervisors shall, within thirty (30) days of such refile, grant such Final Development Plan final approval; or

- b) File a written request with the Board of Supervisors for a public hearing on the refused Application for Final Approval. Any such public hearing shall be held pursuant to public notice, within thirty (30) days after request for the hearing is made by the landowner. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall, by official written communication, either grant final approval to the development plan, or deny final approval.
 - c) In the event the developer shall fail to take either of the alternate actions set forth in (a) or (b) above within thirty (30) days from such written refusal, he or it shall be deemed to have abandoned the Final Development Plan.
5. The Final Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded forthwith by the developer in the office of the Recorder of Deeds of Allegheny County before any development shall take place.
 6. If the sequence of construction of various portions of the Development is to occur in stages, then the common open space and/or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the Development shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

Section 18.5. ABANDONMENT OF DEVELOPMENT

In the event that a development plan, or a section thereof, is given final approval and thereafter, the landowner shall abandon such plan, or the section thereof that has been finally approved and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the PRD within such reasonable period of time as established by the Township's Subdivision and Land Development Ordinance after final approval has been granted, no development, or further development, shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Zoning Ordinance of West Deer Township, as amended.

Section 18.6. STANDARDS AND REQUIREMENTS

- 18.6.1. Density - See Section 5.5.1. The Board of Supervisors reserves the right to make a density level more restrictive in any part of the proposed PRD where it determines that:
 - A. The average grade of any part of the land area, prior to development, is twenty-five percent (25%) or greater unless 1) geotechnical report

indicating suitable soil and compaction, 2) with approval of Planning Commission; or

- B. There is unsafe or inadequate vehicular access to the proposed development; or
- C. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or
- D. There is another unsafe condition created by any part of the developer's proposed density level.

18.6.2. Lot and Building or Structure Requirements

- A. Lot Size - Every one (1) family dwelling shall have access to a common street, road, court, walk or other area available for use. No other structure or group of structures shall be erected within thirty feet (30') in the R-2 district, twenty-five feet (25') in the R-3 district and twenty feet (20') in the R-4 district of any other structure or group of structures.
- B. Buffer - There shall be a buffer yard of at least twenty-five feet (25') along the entire perimeter of each PRD tract in zones R-3 and R-4, within which no construction or disturbance of existing vegetation shall be permitted except as specifically provided for. Similarly, the buffer yard along the entire perimeter of each PRD tract in zone R-2 should be at least fifty feet (50').
- C. No more than eight (8) multi-units (2 quad units) can access a private driveway. Driveway must be a minimum of sixteen (16) feet wide.
- D. Length - There shall be no continuous building or structure of townhouses containing more than five (5) dwelling units.
- E. All buildings and structures on the perimeter of the development must be well-screened in a manner approved by the Township. Such screening shall be reflected in the general landscape plan.
- F. Location of Buildings or Structures - The proposed location and arrangement of buildings or structures shall be such that sunlight or air from the direction of adjacent buildings or structures within the development site area or from existing buildings or structures located adjacent to the proposed development, are not obstructed to the extent that such arrangement is possible. Fire and emergency vehicle access to front, rear or sides of buildings cannot be blocked by structures. Building facades shall vary so as to not create a continuous plane among attached dwellings.

18.6.3. Common Open Space

- A. Area Limitation - Within a PRD the following percentages of the total gross land area shall be devoted to specified use as indicated herein;

1. A minimum of thirty percent (30%) of the net site area, exclusive of road rights-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. In developments where fee simple lots will be created for the residential units, all common open space shall be located in stand alone lot(s) to be owned as hereinafter required. In condominium developments, all common open space shall be depicted on the condominium document plans. Common open space shall not include buildings (excluding recreational structures) and the area within the minimum required front, side, and rear yard setbacks for any buildings (excluding recreational structures). In addition, easements and stormwater detention facilities which are located within common open space shall not be included in the calculation of total common open space area.
 2. A maximum of seventy percent (70%) of the net site area may be devoted to residential use, which shall include residential lots, buildings (excluding recreational structures), the area within the required front, side, and rear yard setbacks for any buildings (excluding recreational structures), driveways, and parking areas.
- B. Protection of Common Open Space - Common open space shall be protected by covenants approved by the Township Solicitor and running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Board of Supervisors following review by the Township Solicitor as to legal form and effect. In cases where West Deer Township will not be accepting dedications of alleys, recreation area or common open space, the developer shall provide for an organization, or Homeowner's Association, for ownership and maintenance thereof.
- C. Common Open Space Maintenance - In the event that the organization established to own and maintain common open space, or any successor thereto, shall at anytime after establishment of the Final Development Plan fail to maintain the common open space, including all alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Township may take remedial action toward the identified organization or homeowner's association to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended. Any costs incurred by the Township shall be charged to the organization or homeowner's association as applicable.

18.6.4. Principal Uses

- A. Land and buildings in a Planned Residential Development may be used for the following purposes:
 - 1. Single Family dwellings.
 - 2. Duplexes.
 - 3. Quadplexes
 - 4. Townhouses.
 - 5. Recreation facilities which are for the use of residents of the development and which shall only include hiking, walking or bicycle trails, tennis, paddle tennis, basketball and volleyball courts, putting greens, swimming pool and related facilities; and such additional recreational uses as deemed appropriate by the Township.
- B. Parking - Parking shall be provided as follows:
 - 1. There shall be a minimum of one twenty-two foot (22') wide garage attached to each dwelling unit. Such space shall be situated under cover.
 - 2. There shall be a minimum of one (1) ten by eighteen foot (10' x 18') off-street parking space, excluding driveway for every two (2) dwelling units in the PRD for visitor parking. Placed within one hundred feet (100') of the dwelling units generating the need for such parking.
 - 3. Visitor parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.
- C. Circulation:
 - 1. Vehicular access within the PRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.
 - 2. A pedestrian circulation or walkway system shall be established where stipulated by the Township and that system shall be reasonably segregated from vehicular traffic.
 - 3. Streets and roads in a PRD should be designed and built to Township specifications and dedicated to public use but may be retained under private ownership. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance to that effect.

Section 18.7. SURETY AND IMPROVEMENTS

- 18.7.1. The Board of Supervisors shall request an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Board of Supervisors following review by the Township Solicitor, to be furnished and filed with the Township Secretary. An escrow agreement and account approved by the Board of Supervisors as to form and content shall be required in the amount of one hundred and ten percent (110%) of the estimated construction costs and engineering for each stage of development. All estimates of cost to be approved by the Township Engineer. Such escrow amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings and screening.
- 18.7.2. Before any grading or building permit may be issued in regard to the PRD, all agreements, contracts, deed restrictions, other instruments and sureties shall be in a form acceptable to the Township.

Section 18.8. FEES

- 18.8.1. At the time of application for Tentative Approval and/or Final Approval of a PRD or a phase or section thereof, a fee established by the Board of Supervisors for review shall be payable to the Township.
- 18.8.2. In addition, all applicable building permit fees adopted by the Township from time to time shall apply and be paid. The developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Township contracted services including, but not limited to, engineering, legal costs, advertising and stenographic services.

ARTICLE XIX

SUPPLEMENTAL REGULATIONS

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplemental regulations.

Section 19.1. BUILDING SETBACKS

Where one or more preexisting structures are located on adjacent lots within one hundred and fifty feet (150') in either direction of proposed structure, the setback of the proposed structure may conform to the average setback of the preexisting structures.

Section 19.2. CAMPING AND RECREATIONAL EQUIPMENT

Any owner of camping and recreational equipment may park or store such equipment subject to the following conditions.

- 19.2.1. At no time shall such camping and recreational equipment parked or stored on the premises be occupied or used for living, sleeping or housekeeping purposes.
- 19.2.2. If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot.
- 19.2.3. Camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes.

Section 19.3. CELLAR DWELLINGS

- 19.3.1. No living quarters shall be placed in a cellar dwelling or garage or in any other room or space having less than seven feet (7') of ceiling clearance above the original ground level before excavation as measured from the front to the rear of the structure, with the exception of those homes which are designed to be constructed below ground level.

Section 19.4. STRUCTURES ON SMALL LOTS

- 19.4.1. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Officer may permit erection of a principal use on any lot with an area or a width smaller than that required for a principal use. In no case shall any principal use be permitted within the minimum building setback lines of a lot permitted in any district. It shall be the responsibility of the Zoning Officer to review all permits issued under this section with both the Planning Commission within one (1) month prior to the issuing of said permit and obtain signatures of both of these bodies that said permit has been reviewed.

Section 19.5. ESSENTIAL SERVICES

- 19.5.1. Essential services as defined in this Ordinance shall be permitted in all Districts, subject to restrictions approved by the Board of Supervisors based on the recommendation of the Planning Commission with respect to use, design, yard area, setback and height.

Section 19.6. FENCES OR HEDGES

- 19.6.1. This Ordinance shall not be deemed to prohibit any otherwise lawful fence, hedge or wall in any residential district. No fence, hedge or wall in any residential district shall exceed two and one half feet (2 1/2') in height in any front yard. Fences, hedges, or other plantings, structures, or walls shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to two and one half feet (2 1/2') within in the sight triangle (area formed by extending thirty foot [30'] lines along centerlines of two (2) streets from their intersection and joining their termini to form a triangular shape).
- 19.6.2. Barbed wire and/or electrified fences are not permitted in residential districts, with the exception of:
- A. Those lots qualifying, as specified in this Ordinance, to maintain horses or ponies, or
 - B. Uses qualifying, as specified in this Ordinance, as agricultural uses.
- 19.6.3. Chain link, split rail or similar fences used for containment cannot exceed a maximum height as defined herein. Chain link or similar fences shall not exceed six feet (6'). A split rail-type of fence shall not exceed four feet in height in a front yard so as to not cause a visual obstruction for circulation safety. Split rail fences in other yards shall not exceed six (6) feet. A split rail-type of fence shall not exceed three (3) rails unless otherwise approved by the Township where the height dimensions of rail members shall not exceed the height of void space between said members.
- 19.6.4. Fences must be located on a single property as compared to being located on a property line, and provisions for maintenance of the fences and care of the property must be considered by the owner.
- 19.6.5. A building permit must be obtained from the Zoning Officer before any type of fence is erected.
- 19.6.6. Fences shall be defined to include a front and back face. The finished side of the fence shall be considered the front face and the front face shall be oriented toward the exterior of a lot so that a maximum of eighty percent (80%) of each structural member of the fence unless a split rail fence, shall be visible from an adjacent lot.

Section 19.7. HEIGHT MEASUREMENTS

Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:

- 19.7.1. In case of flat roof structures - highest point of coping.
- 19.7.2. In case of mansard roof structures - deck line of roof.
- 19.7.3. In case of gable or hipped roof - average height of roof. (A habitable attic shall be counted as a story).

Section 19.8. HEIGHT EXCEPTIONS

- 19.8.1. The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes or similar projections not used for human occupancy or to chimneys, ventilations, sky lights, water tanks, public utility facilities, bulkheads, silos, antenna and other necessary mechanical and operational apparatus usually carried above the roof level.

Section 19.9. LOT AREA MEASUREMENT

- 19.9.1. For purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six (6) times the average width of the lot may be utilized in calculations.

Section 19.10. OFF-STREET PARKING AND LOADING REQUIREMENTS

- 19.10.1 Off-street parking requirements:
 - A. All buildings and structures erected and all uses of land established after the adoption of this Ordinance shall be provided with off-street parking spaces as set forth in this Section. All driveways, off-street parking and loading shall have a dust-free surface approved by the Township.
 - B. The provisions of this Section, except where there is a change of use, shall not apply to any existing building or structure existing at the time of adoption of this Ordinance.
 - C. Whenever a building or structure constructed before the effective date of this Ordinance is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or number of housing units, shall then and thereafter comply with the full parking requirements set forth herein.

- D. Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this Ordinance.
- E. The following regulations shall govern the location of off-street parking spaces and areas:
1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking space shall have direct access to a public or private right-of-way.
 2. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred feet (300') from the principal use.
 3. No parking space shall be located in any manner on a public road right-of-way.
 4. A parking space shall have minimum rectangular dimensions of not less than nine feet (9') in width and twenty-three feet (23') in length, exclusive of driveways, aisles, and other circulating areas.
 5. Driveways and traffic aisles serving individual parking spaces shall be not less than twenty-five feet (25') wide for ninety degree (90°) parking, twelve feet (12') wide for parallel parking, seventeen and one half feet (17 1/2') for sixty degree (60°) parking, and thirteen feet (13') for forty-five degree (45°) parking. If parking spaces are indicated by lines with angles other than ninety degrees (90°), then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10') in width.
 6. The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one (1) lot providing the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures or uses computed separately in accordance with this Section.
 7. When two (2) or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
 8. All off-street parking areas required by this Ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales servicing, or continuous storage of a vehicles for more than seventy two (72) hours.

9. For the purpose of this Ordinance the following parking space requirements shall apply. For those uses not specified, the West Deer Township Planning Commission shall maintain the discretion to determine the necessary parking requirements in keeping with the general purpose of this Ordinance.
10. Handicap parking shall be provided in accordance with the requirements of American with Disabilities Act.

A	RESIDENTIAL USES	MINIMUM REQUIREMENTS
1	Apartment	1.5 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft. of each dwelling unit
2	Boarding House	1 sapce/3 beds and 1 space/employee on peak shift
3	Duplex	2 spaces/dwelling unit
4	Mobile Home Park	2 spaces/dwelling unit
5	Nursing/Convalescent Care Facility	1 space/3 beds and 1 space/employee on peak shift
6	Planned Residential Development (PRD)	2 spaces/dwelling unit
7	Quadplex	2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft. of each dwelling unit
8	Single-family Attached Dwelling	2 spaces/dwelling unit
9	Single-family Detached Dwelling	2 spaces/dwelling unit
10	Townhouse	2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft. of each dwelling unit

B	NON-RESIDENTIAL USES	MINIMUM REQUIREMENTS
1	Accessory Structures/Uses	N/A
2	Adult-oriented Establishment	1 space/100 sf
3	Agriculture	N/A
4	Airport	For Township review and approval
5	Animal Husbandry	N/A
6	Assembly or Fabrication Facility	1 space/employee on peak shift
7	Automobile Sales/Service	For Township review and approval
8	Automotive Rental	For Township review and approval
9	Bakery	1 space/200 sf of gross floor area
10	Bed and Breakfast	1 space/guest room and 1 space/permanent resident

B	NON-RESIDENTIAL USES	MINIMUM REQUIREMENTS
11	Billboard	For Township review and approval
12	Bowling Alley	2 spaces/lane
13	Business and Technology Park	For Township review and approval
14	Business Services	1 space/250 sf of gross floor area
15	Campground	1 space per 2 sleeping sites
16	Car Wash	3 stacking spaces/wash bay
17	Cemetery	1 space/500 sf of gross floor area of office/admin/ chapel/mausoleum/viewing room space and 1 space/ employee on peak shift
18	Cinema	1 space/3 theater seats
19	Communication Antenna	N/A
20	Communications Tower	1 space
21	Conference and Training Center	For Township review and approval
22	Contractor's Yard	1 space/200 sf of gross floor area and 1 space/ employee
23	Convenience Store, Neighborhood	1 space/200 sf of gross floor area and 1 space/ employee (does not include vehicle refueling positions)
24	Convenience Store with Gasoline	1 space/500 sf above the first 2,000 sf
25	Country Club/Golf Course	6 spaces/hole and 1 space/employee on peak shift
26	Day Care Center	1 space/staff on peak shift and 1 space/5 students
27	Day Care Home	2 spaces and 1 space/employee on peak shift
28	Driving Range	2 spaces/tee
29	Essential Services	1 space/employee on peak shift
30	Financial Institution	1 space/200 sf of gross floor area and 1 space/ employee on peak shift and 5 off-street waiting spaces/drive-in window
31	Flex Space	1 space/1,000 sf + 1/employee on peak shift
32	Food Packaging Facility	1 space/employee on peak shift
33	Forestry	N/A
34	Funeral Home	1 space/3 seats in the first viewing room parlor and 10 spaces/each additional parlor
35	Garage, Automobile Repair	2 spaces/service bay
36	Garage, Public	N/A
37	Garage, Private	N/A

B	NON-RESIDENTIAL USES	MINIMUM REQUIREMENTS
38	Garden Center/Nursery	N/A
39	Gas and Oil Production	1 space/well
40	Home Based Business, No Impact	1 space/dwelling unit (in addition to residential requirement)
41	Home Based Business, Other	1 space/dwelling unit (in addition to residential requirement)
42	Hospital	1 space/2 beds and 1 space/employee on peak shift
43	Hotel/Motel	1 space/employee on peak shift and 1 space/employee unit; and additional regulations for restaurant/bar/conference room if accessory use open to general public
44	Keeping of Horses, Boarding	N/A
45	Keeping of Horses, Personal	N/A
46	Kennel, Animal	1 space/employee on peak shift
47	Library	1 space/600 sf
48	Manufacturing, Heavy	1 space/2,000 sf of net floor area
49	Manufacturing, Light	Greater of 1 space/750 sf of gross floor area or 1 space/employee on peak shift
50	Massage Therapy Establishment	1 space/table
51	Medical Clinic	5 spaces/doctor on duty
52	Military Related Facility	For Township review and approval
53	Municipal Administration Facility	1 space/employee on peak shift
54	Office, Business, < 5,000 sf	1 space/500 sf above the first 2,000 sf
55	Office, Business, > 5,000 sf and <40,000 sf	1 space/500 sf above the first 2,000 sf
56	Office, Business, > 40,000 sf	1 space/500 sf above the first 2,000 sf
57	Office, Medical	3 spaces/exam room + 1 per employee during peak shift
58	Office, Professional	1 space/200 sf of gross floor area
59	Open Space	For Township review and approval
60	Parking Areas	N/A
61	Parks	For Township review and approval
62	Personal Services	1 space/500 sf above the first 2,000 sf
63	Pharmacy	1 space/500 sf above the first 2,000 sf
64	Place of Assembly	1 space/8 seats in the largest meeting room

B	NON-RESIDENTIAL USES	MINIMUM REQUIREMENTS
65	Place of Worship	1 space/8 seats in the largest meeting room
66	Planned Non-Residential Development (PNRD)	For Township review and approval
67	Post Office	N/A
68	Printer/Publisher	1 space/500 sf above the first 2,000 sf
69	Private Club	1 space/500 sf above the first 2,000 sf
70	Public/Private Works	1 space/employee on peak shift and 1 space/service vehicle stored on lot
71	Research and Development Facility	1 space/500 sf of gross floor area
72	Restaurant: With Drive Thru	1 space/500 sf open to the public and 1 space/employee on peak shift
73	Restaurant: No Drive Thru	1 space/2 patrons during peak seating and 1 space/employee on peak shift
74	Retail/Business Store, <10,000 sf	1 space/200 sf of gross floor area
75	Retail/Business Store, >10,000 sf and <40,000 sf	1 space/500 sf of gross floor area
76	Retail/Business Store >40,000 sf	1 space/500 sf of gross floor area
77	Roadside Stand	N/A
78	School, Commercial	1 space/3 seats utilized at maximum capacity or 1 space/200 sf of gfa, whichever is greater
79	School, Academic	Elementary and Junior High: 1 space/staff employee on peak shift and 1 space/classroom Secondary and Post-Secondary: 1 space/staff and 4 spaces/classroom
80	Self-Service Storage Facility (mini warehouse)	1 space/2 employees, plus 1 space/10 storage units
81	Senior Center	3 spaces/meeting room + 1/employee
82	Social Club	1 space/200 sf of net floor area
83	Social Services Agency	1 space/employee
84	Tavern/Bar	1 space/50 sf of public or net floor area and 1 space/employee on peak shift
85	Temporary Structure	N/A
86	Veterinary Services	1 space/employee and 2 spaces/exam room
87	Warehouse/Distribution Center	1 space/employee on peak shift or 0.5 spaces/1,000 sf (whichever is greater)
88	Wholesale Operation	1 space/employee on peak shift
89	<i>All Other Uses</i>	Determined by Township upon review of parking study

- 19.10.2. Employee Parking Requirements - In addition to the parking requirements, as listed in Section 19.10, unless otherwise stated, each business operation or activity employing two (2) or more employees, shall provide one (1) off-street parking space for each two (2) employees, or fraction thereof. When specific uses are not known at the time of site plan approval, reasonable estimates for the most intensive use contemplated will be required.
- 19.10.3. Loading Requirements:
- A. In addition to the off-street parking spaces required, any building erected, converted, or enlarged for any nonresidential use shall provide adequate off-street areas for loading and unloading of vehicles. Minimum loading requirements shall be defined by the Township.
 - B. Loading spaces as required for each use shall be properly located to prevent the movement and turning of vehicles on State, Township and/or private streets. All loading activities must take place in specifically designated areas for turning and loading - exclusive of those area designated for parking or some other use.
 - C. The minimum size loading space shall have fifteen feet (15') of overhead clearance, and shall be fifteen feet (15') by thirty-five (35') long, exclusive of access and turning areas.

Section 19.11. REAR DWELLINGS

No building in the rear of a principal building on the same lot may be used for living purposes in a residential district.

Section 19.12. STORAGE

No lot or premises shall be used as a garbage dump, or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to public health or safety. No exceptions shall be made except by official governmental action.

Section 19.13. SWIMMING POOLS

- 19.13.1 Private swimming pools, permanently fixed or portable, but not including farm ponds or open tanks, capable of containing water to a depth at any point greater than two feet (2'), are permitted provided:
- A. They are located in the side and/or rear yard setback as per the minimum yard setback requirements of the zoning district in which the property is located.
 - B. They are completely enclosed by a protection barrier at least four feet (4') in height to protect persons or animals from trespassing and to assure they are not subject to danger or harm.

- C. All openings in the barrier are equipped with gates or doors which shall be locked when not in use.

Section 19.14. YARD REQUIREMENTS

- 19.14.1 The following may project into the required yard as established herein:
 - A. Steps or stoops not exceed twenty-five (25) square feet in the front area of lot.
 - B. Eaves, cornices and belt courses not exceeding two feet (2').
 - C. Open fire escapes not exceeding fifty-four inches (54").
 - D. Porches, patios or decks not exceed 10 feet into front area of lot.

Section 19.15. KEEPING OF HORSES

For the keeping of horses, personal and keeping of horses, boarding, the following acreages shall apply:

- 19.15.1 In the R and R1 zoning districts, three (3) acres shall be provided for the first horse. For each horse thereafter, an additional acre of land shall be provided.
- 19.15.2 In the R-2 zoning district, five (5) acres shall be provided for the first horse. For each horse thereafter, an additional acre of land shall be provided.

Section 19.16 SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all ordinances and regulations of the Township of West Deer, relating to the erection, alteration or maintenance of signs.

- 19.16.1 Aspect Ratio - Shall be defined as a signs width divided by its height. Example, a 4' x 3' sign would have an AR of 4:3 or 1.33:1
- 19.16.2 Classes of Signs - The following are the definitions of classes of signs which may or may not be permitted in the Township.
 - A. Bulletin Sign - A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.
 - B. Changeable Copy Sign - A sign that is designed so that characters, letters or illustrations can be changed or rearranged by computer, electronically or mechanically without altering the face or surface of the sign.
 - C. Free Standing Signs - A sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

- D. Ground Sign - A free standing sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen inches (18") between the bottom edge of the sign and the adjacent ground level.
 - E. Pole Sign - A free standing sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.
 - F. Indirectly Illuminated Sign - A sign which is lighted by means of lamps or lighting devices external to, and reflected on the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.
 - G. Internally Illuminated Sign - A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or an integral part of the sign structure and the advertising effect.
 - H. Non-conforming Sign - A sign, properly designated as such in accordance with the Township's Zoning Ordinance, as amended.
 - I. Off-Premises Directional Sign - A sign erected by a governmental agency which directs and/or instructs vehicular or pedestrian traffic relative to the location of a public building or use or a semi-public building or use such as a church, school, park, municipal building, or similar use and which is located in a public street right-of-way with the permission of the owner of the right-of-way or on premises other than the premises where said building or use is located with the permission of the owner. Off-premises directional signs shall not include billboards, as defined herein, or any other off-premises sign which contains information regarding any commercial or business use.
 - J. Overhanging Sign - A sign, other than a wall sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six (6) inches.
 - K. Roof Sign - A sign erected and maintained upon or above the roof or any building which projects no more than six (6) feet above the roof.
 - L. Wall Sign - A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.
 - M. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.
- 19.16.3 Types of Signs - The following are definitions of types of signs which may or may not be permitted in the Township.
- A. A-Frame or Sandwich Board Sign - Signs typically having triangular open ends with the sides of the sign resting on the ground as the main support.

These signs are considered non-permanent, which may or may not be portable.

- B. Agricultural Sales Sign - A temporary sign permitted in connection with any operating farm used only to announce the sale of seasonal products raised on the premises.
- C. Business Identification Sign - A sign which contains the name, address and goods, services, facilities or events available on the premises.
- D. Construction Sign - A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.
- E. Development Sign - A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
- F. Home Occupation or Home Office Identification Sign - A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.
- G. Notification Sign - Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.
- H. On-Premises Directional Sign - A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.
- I. Overhead Banner Sign - A sign which is temporary erected overhead spanning the length of a roadway or open space, providing a minimum of fifteen (15) feet clearance above the ground.
- J. Political Sign - A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held. Temporary political signs shall not be considered billboards.
- K. Portable or Wheeled Sign - A sign which is temporary and capable of being carried or moved about without a permanent base attached to the ground. This shall also include all symbols, logos, balloons or other portable signs.
- L. Real Estate Sign - A temporary sign advertising the sale or rental of premises. The signs may also bear the words sold, sale pending or rented across its face.
- M. Residential Identification Sign - A sign containing only the name and address of the occupant of the premises.

- N. Residential Plan Identification Sign - A permanent wall or free standing ground sign containing only the name and address of a plan or subdivision or a multifamily building or development.
- O. Temporary Special Event Display Sign - A banner, flag, pennant, or similar display constructed of durable material and affixed to the wall of a building or portable or wheeled signs erected for a period of less than thirty (30) days whose sole purpose is to advertise a grand opening or other special event.

19.16.4 General Regulations - The following regulations shall apply to signs in all Zoning Districts.

19.16.4.1 Restricted Signs - The following signs shall not be permitted in any Zoning District:

- A. Portable or wheeled signs, other than Temporary Special Event Display Signs authorized by this Ordinance;
- B. Banners and pennants, other than Temporary Special Event Display Signs authorized by this Ordinance;
- C. Moving, rotating, swinging, animated or flashing signs, except for that portion of a permitted sign which indicates time, temperature and those changeable signs referenced here within;
- D. Signs on trees, utility poles or official traffic control devices or signs;
- E. Signs which imitate traffic control devices;
- F. Signs painted on walls or chimneys of a building or on fences or free standing walls;
- G. Roof signs, as defined herein;
- H. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

19.16.5 Lots with Multiple Street Frontage - In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) sign which is authorized per lot on each street frontage.

- 19.16.6 Temporary Signs - In all Zoning Districts where authorized, real estate, construction and development signs shall be considered temporary signs which shall be removed upon completion of sale, rental or construction.
- 19.16.7 Notification Signs - In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as no trespassing, no hunting and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) for every one hundred (100) feet of road frontage.
- 19.16.8 Location - All signs shall be located on the premises of the establishment, person, activity, product or service to which they refer, unless approved as a Billboard or Off-Premises Directional Sign in accordance with the requirements of this Ordinance. In addition, signs not attached to a building shall be set back a minimum of ten (10) feet from a lot line, street or right-of-way line, or any other required buffer area.
- 19.16.9 Visibility - No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs, shall hang over or be erected within ten (10) feet of the right-of-way of any street.
- 19.16.10 Illumination - Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.
- 19.16.11 Maintenance and Inspection - All signs must be constructed of a durable material and maintained in good condition. If any sign becomes dilapidated to the point that it constitutes an unsightly or hazardous condition it shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense for time, equipment and disposal fees.
- 19.16.12 Removal of Signs - Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

- 19.16.13 Permits Required - No permit shall be required for the following type of signs as described above: Notification and Construction signs. Permits for all other authorized signs shall be required. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established by resolution of the Board of Supervisors of the Township of West Deer.
- 19.16.14 Sign Area - The area of a sign shall be computed based on the following:
- 19.16.14.1 The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- 19.7.14.2 The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
- 19.16.14.3 Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the total area within the outer most perimeters of the sign.
- 19.16.14.4 In computing the square foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.
- 19.16.14.5 In computing the sign area for figurines or logos, the square foot area shall be computed as two (2) times the height times the average width.
- 19.16.15 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS - The following signs are authorized in all Zoning Districts:
- 19.16.15.1 One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twelve (12) square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semi-public building.
- 19.16.15.2 One (1) non-illuminated temporary Real Estate Sign or Development Sign advertising the sale or lease of the property on which the sign is located shall be permitted provided the surface area of the sign shall not exceed six (6) square feet in any residential Zoning District or thirty-two (32) square feet in any other Zoning District. Such signs shall be removed upon the sale, lease, or completion of the development of the property.
- 19.16.15.3 One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed

twelve (12) square feet in area and shall be removed immediately upon completion of the work.

- 19.16.15.4 One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected over a public right-of-way or on the face of a public building, church or building housing a non-profit organization, provided that the area of the signs shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than fifteen (15) days and is removed within five (5) days following the event that it is erected to promote. No such Temporary Special Event Display Sign shall be permitted to be erected over a public right-of-way with out permission of the Zoning Officer.
- 19.16.15.5 One (1) non-illuminated Home Occupation or Home Office Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed two (2) square feet and the sign shall contain only the name and occupation of the resident and shall not contain any logo or other advertising.
- 19.16.15.6 Non-illuminated Temporary Political Signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by this Ordinance and provided that the surface area of such signs shall not exceed six (6) square feet. Temporary political signs are permitted to be displayed for a period of thirty (30) days prior to an election date and shall be removed within five (5) days after the election for which they were erected. Signs not promptly or completely removed within the specified time period shall be removed by the Township at the expense of the candidate.
- 19.16.15.7 Changeable signs shall be permitted in all districts for municipal and public buildings and grounds provided setbacks and all other regulations are met within the designated zoning district.
- 19.16.16 Signs Authorized in R, R-1, R-2, R-3 & R-4 Zoning Districts - The following signs shall be permitted in all Residential Zoning Districts
 - 19.16.16.1 One (1) non-illuminated or indirectly illuminated permanent wall or free standing ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed six (6) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a free standing decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
 - 19.16.16.2 One (1) non-illuminated or indirectly illuminated wall or free standing ground Business Identification Sign for any non-residential use, other than a home occupation, authorized as a conditional use or use by special exception in Residential Zoning Districts shall not exceed six (6) square feet in area.

- 19.16.16.3 One (1) non-illuminated or indirectly illuminated wall or free standing ground business identification sign for a lawfully maintained non-conforming use in Residential Zoning Districts which shall not exceed six (6) square feet in area.
- 19.16.16.4 One (1) non-illuminated free standing ground Agricultural Sales Sign shall be permitted in conjunction with on-site sale of farm products provided the sign shall not exceed six (6) square feet in area and shall not be located within ten (10) feet of any public street right-of-way.
- 19.16.17 Signs Authorized in Commercial Zoning Districts - The following signs shall be permitted in all C-1 and C-2 Commercial Zoning Districts:
- 19.16.17.1 Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:
- A. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
 - B. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a free standing pole business identification sign;
 - C. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
 - D. The aggregate surface area of all Temporary Special Event Display signs shall not exceed thirty-two (32) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed sixty-four (64) square feet;
 - E. Temporary Special Event Display Signs shall be non-illuminated.
 - F. Directional Signs - On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional signs shall be permitted per acre on the additional acreage.
 - G. Changeable Copy Signs - One (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, and shall be permanently affixed to

the wall of the building or to the supporting structure of an authorized Free Standing Sign on the lot, provided that:

- H. No authorized Business Identification Sign exists or is proposed to be erected on the lot.
- I. The maximum surface area of the Changeable Copy Sign shall not exceed thirty two (32) square feet in area.

19.17.17.2 Business Identification Signs

- A. Wall Signs - Each business establishment shall be permitted to have one (1) wall sign which may be illuminated or non-illuminated provided that:
 - 1. The maximum surface area does not exceed thirty two (32) square feet.
- B. Ground Signs - In addition to the wall signs, one (1) free standing Ground Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - 1. No free standing pole sign exists or is proposed to be erected on the lot.
 - 2. The maximum surface area of the ground sign shall not exceed twenty-four (24) square feet.
 - 3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.
 - 4. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
- C. Pole Signs - In addition to the authorized wall signs, one (1) free standing pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - 1. No free standing ground sign exists or is proposed to be erected on the lot.
 - 2. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.
 - 3. The maximum height of the top of the pole sign shall be twenty (20) feet.
 - 4. The minimum height of the bottom edge of the sign shall be eight (8) feet.
 - 5. The maximum size of the free standing pole sign shall not exceed thirty-two (32) square feet and dimensionally shall have an aspect ratio of not greater than two (2); and

- 6. No portion of any sign shall project over any public right-of-way.
- D. Overhanging Signs - Overhanging signs shall be permitted only in place of a Wall Sign in the C-1 and C-2 Zoning Districts. Overhanging signs shall include: marquees, awnings or similar structures, if they are used for business identification. The maximum surface area of an overhanging sign shall be thirty-two (32) square feet.
- E. Total Aggregated Sign Area - The total aggregated sign area shall not exceed thirty-two (32) square feet for one (1) business or sixty-four (64) square feet for a group of two (2) or more businesses on one (1) parcel, tract or lot.
- 19.16.18 Industrial Zoning Districts - The following signs are permitted in all Industrial Zoning Districts.
 - 19.16.18.1 Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:
 - A. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
 - B. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a free standing pole business identification sign;
 - C. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
 - D. The aggregate surface area of all Temporary Special Event Display signs shall not exceed thirty-two (32) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed sixty-four (64) square feet;
 - 19.16.18.2 Temporary Special Event Display Signs shall be non-illuminated.
 - 19.16.18.3 Directional Signs - On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) nonilluminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional signs shall be permitted per acre on the additional acreage.
 - 19.16.18.4 Changeable Copy Signs - In addition to the authorized business identification signs, one (1) non-illuminated or internally illuminated changeable copy sign

shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized free standing sign on the lot.

- 19.16.18.5 Wall Signs - Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business with a maximum aggregated area of sixty-four (64) square feet.
- 19.16.18.6 Ground Signs - In addition to the wall signs, one (1) free standing ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- A. No free standing pole sign exists or is proposed to be erected on the lot.
 - B. The maximum surface area of the ground sign shall not exceed twenty-four (24) square feet.
 - C. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.
 - D. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
- 19.16.18.7 Pole Signs - In addition to the authorized wall signs, one (1) free standing pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- A. No free standing ground sign exists or is proposed to be erected on the lot.
 - B. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated. The maximum height of the top of the pole sign shall be twenty (20) feet.
 - C. The minimum height of the bottom edge of the sign shall be eight (8) feet.
 - D. The maximum size of the free standing pole sign shall not exceed sixty-four (64) square feet and dimensionally shall have an aspect ratio of not greater than two (2); and
 - E. No portion of any sign shall project over any public right-of-way.
- 19.16.18.8 Overhanging Signs - Overhanging signs shall be permitted only in place of a wall sign in the Industrial Zoning Districts. Overhanging signs shall include: marquees, awnings or similar structures, if they are used for business identification. The maximum surface area of an overhanging sign shall be twenty-four (24) square feet.

- 19.16.18.9 Total Aggregated Sign Area - The total aggregated sign area shall not exceed sixty-four (64) square feet for one (1) business or one hundred twenty-eight (128) square feet for a group of two (2) or more businesses on one (1) parcel, tract or lot.
- 19.16.19 The maximum square footage for a business sign in the Village District shall be ten (10) square feet.

ARTICLE XX

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 20.1. WHEN PERMITTED

- 20.1.1. Subject to the provisions of this Section, a use of building or land existing at the time of the legal adoption of the Ordinance may be continued even though such use does not conform to the provisions of this Ordinance for the district in which it is located.

Section 20.2. ABANDONMENT

- 20.2.1. A non-conforming use of a building or land which has been abandoned shall not thereafter be returned to such a non-conforming use. A non-conforming use shall be considered abandoned as follows:
- A. When the intent of the owner to discontinue the use is apparent; or
 - B. When the characteristic equipment and furnishing of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the non-conforming use; or
 - C. When a non-conforming use has been discontinued for a period of six (6) months; or
 - D. When it has been replaced by a conforming use; or
 - E. When it has been changed to another use under permit from the Zoning Hearing Board.

Section 20.3. ALTERATIONS

- 20.3.1. A non-conforming building or structure may be altered, improved, or reconstructed provided such work does not exceed the fair market value of the building or structure or provided the building or structure is changed to a conforming use.

Section 20.4. CHANGES

- 20.4.1. No non-conforming building, structure or use shall be changed to another non-conforming use. Conversion of non-conforming buildings and structures into residential uses shall be permitted in residential districts as a special exception as granted by the Zoning Hearing Board under the following requirements:
- A. The minimum yard and area requirements are in accordance with the district in which said conversion is located.

- B. There shall be a maximum of four (4) living units per converted non-conforming building or structure.
- C. Each living unit contains a minimum of not less than one thousand (1,000) square feet of habitable living area.
- D. Each living unit contains not less than one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
- E. Separate and private sanitary facilities, cooking and dining accommodations are provided for each living unit.
- F. Fire and safety provisions are certified to be adequate by the Chief of the Township Fire Department.
- G. A minimum of two (2) off-street parking spaces are provided for each residential unit.

Section 20.5. CONSTRUCTION APPROVED PRIOR TO LEGAL ENACTMENT OF ORDINANCE

- 20.5.1. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning permit has been issued or the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of this Ordinance.

Section 20.6. DISTRICT CHANGES

- 20.6.1. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a difference classification, the foregoing provisions shall apply to any non-conforming uses existing therein.

Section 20.7. EXTENSION

- 20.7.1. A non-conforming use may be extended as a special exception where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and will otherwise meet the following requirements:
 - A. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
 - B. The extension does not encroach upon the yard or height requirements of the district in which the non-conforming use is presently located.
 - C. The extension is for the purpose of expanding only that non-conforming use in existence at the time of the legal enactment of this Ordinance.

D. The expense of such an extension shall not exceed the fair market value of the buildings or structures existing at the time of enactment of the Zoning Ordinance.

20.7.2. Extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such non-conforming use.

Section 20.8. RECORDING

20.8.1. All non-conforming uses existing at the time of the legal enactment of this Ordinance shall be recorded and maintained for public use in the office of the Zoning Officer.

Section 20.9. RESTORATION

20.9.1. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion or Act of God subsequent to the date of legal enactment of this Ordinance wherein the expense of such work does not exceed one hundred percent (100%) of the fair market value of the building or structure at the time such damage occurred and reconstruction of the destroyed or damaged buildings is initiated within one (1) year of the date of damage.

Section 20.10. UNLAWFUL USE NOT AUTHORIZED

20.10.1. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of Township regulations in existence at the time of the effective date of legal enactment of this Ordinance.

Section 20.11. UNSAFE STRUCTURE

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

ARTICLE XXI

LAND DEVELOPMENT

Section 21.1. INTRODUCTION

- 21.1.1. No zoning certificate, building permit or occupancy permit shall be issued for any land development as defined in this Ordinance until a land development plan has been submitted, reviewed, and approved in accordance with Sections 4.1 and 4.4 of the West Deer Township Subdivision and Land Development Ordinance.

Section 21.2. PLAN SUBMISSION PROCEDURE

- 21.2.1. A completed application packet shall be received no later than close of business on the last business day of each month to be considered for review at the following Planning Commission's regularly scheduled workshop meeting. Said packet shall be accompanied by a fee established by the Board of Supervisors to cover the cost of review.

Section 21.3. APPLICATION REQUIREMENTS

- 21.3.1. The application shall consist of the items required by Sections 4.1 and 4.4 of the Township's Subdivision and Land Development Ordinance.

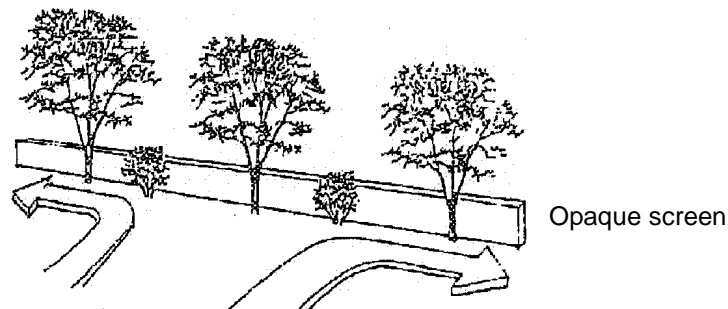
Section 21.4. DEVELOPMENT STANDARDS

The Planning Commission shall not recommend a Land Development Plan to the Township Board of Supervisors unless the following standards have been met:

- 21.4.1 Screening Requirements
 - A. Every development shall provide sufficient screening so that neighboring properties are effectively shielded from any adverse impacts of that development, or so that the new development shields itself from potential impacts from existing uses already in operation.
 - B. This section sets forth the type of screening method required between various uses in order to provide a mechanism to buffer potential negative impacts. To determine the type of screening required (Type A, B or C) based upon the Screening Requirements Table included in the Appendix of this Ordinance, find the use in the "Developing Use" column which is similar to the proposed use to be developed, and follow that line across the page to its intersection with the type of use(s) that adjoins the property to be developed. For each intersecting square that contains a letter, the developer is required to install the level of screening indicated.
 - C. The three (3) basic types of screens that are required are as follows:

1. Opaque Screen, Type A - A screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence or densely planted vegetation with fencing. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Suggested planting patterns follow.

Opaque Screen Type A



Type A: Typical Opaque Screens



Small trees planted 30' on center
6' high evergreen screening shrubs
planted 4' on center



Large trees planted 40' on center
6' high masonry wall

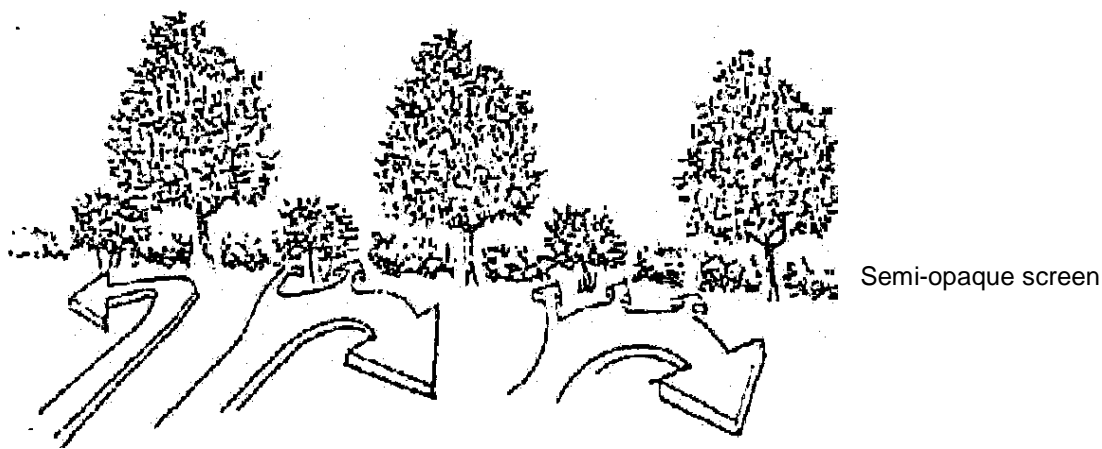


Tall evergreen trees, stagger planted
with branches touching ground

2. Semi-Opaque Screen, Type B - A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual

obstruction for above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, or planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any complete unobstructed openings more than fifteen feet (15') wide. Suggested planting patterns follow:

Semi-Opaque Screen, Type B



Small trees planted 30' on center
3' high wall



Small trees planted 20' to 30' on center
on top of berm

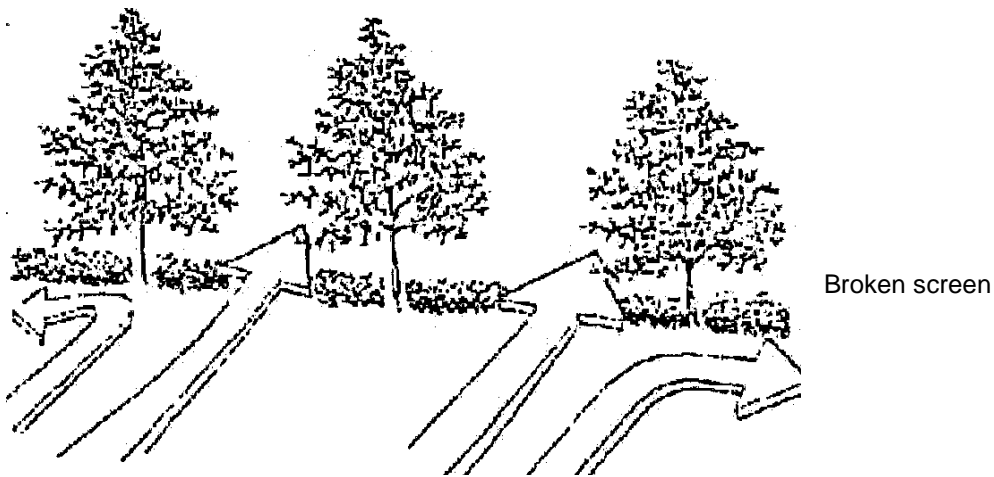


Large trees planted 40' on center

3' high evergreen shrub hedge planted 3' on center

3. Broken Screen, Type C - A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns follow.

Broken Screen Type C



- D. The screening requirements set forth in this Section may be interpreted with more flexibility by the Planning Commission and Board of Supervisors in their enforcement of the standards.
- E. It is recognized that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, minor deviations may be granted to allow less intensive screening, or requirements for more intensive screening may be imposed, whenever such deviations are more likely to satisfy the intent of this Section.

21.4.2. Landscaping

- A. Any part or portion of the site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with the natural surroundings.
- B. Any off-street parking area with five (5) or more spaces shall retain at least five percent (5%) of the total parking area for landscaping and shall be graded for proper drainage and shall be paved; or, at least one shade tree, of at least two inch (2") caliper, shall be provided per every five (5) parking spaces. The grouping or spacing of such trees shall be reviewed as part of the landscape plan.
- C. Any off-street parking area located in a required front yard shall be set back at least ten feet (10') from the road right-of-way, with the area between the right-of-way and the parking area maintained with mulch, gravel or other appropriate ground cover and landscaped with trees, shrubs or boulders, and in accordance with the landscape plan.

21.4.3. Storage - Any article or material stored outside an enclosed building as an incidental part of the primary commercial or industrial operation, shall be so screened by opaque ornamental fencing, walls, or evergreen planting that it cannot be seen when viewed by a person standing on ground level during any season of the year. All organic rubbish or storage shall be contained in airtight, vermin-proof containers which shall also be screened.

21.4.4. Lighting - It is the intent of this Part to provide for the control of lighting and glare for all districts of the Township.

- A. In any district, any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one half (1/2) of one footcandle when measured at any residence district boundary line or any residentially developed property in a commercial or industrial district. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.

- B. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high-brightness surface from viewing angles about sixty degrees (60°) from horizontal shall be utilized. Architectural lighting shall be recessed under roof overhangs or generated from concealed sources utilizing low-intensity light fixtures. The interior illumination of a canopy which permits any light to pass through is hereby banned. The illumination or lighting of freestanding and building canopies, awnings and exterior auxiliary parts is prohibited, with the exception of flat-lens, full cutoff, downcast lighting, which may be mounted on the underside surface of a structure, provided that it illuminates only the ground area beneath the structure. For the purpose of this Ordinance, a “canopy” shall be defined as a covering over an area not enclosed by walls. An “awning” shall be defined as an overhanging projection extending from a structure. An “auxiliary part” shall mean all exterior structures, such as shelters, porches, decks, colonnades, arbors, trellises, and pergolas.
- C. All outside lighting, including sign lighting, shall be focused away from adjacent streets and properties and shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures hereafter constructed, installed, changed or remodeled shall be equipped with a glare shielding device, full cutoff downward cast in the case of freestanding area lighting. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of three and one half (3 ½) footcandles with a maximum intensity at any given point on the ground of twelve (12) footcandles, unless otherwise approved by the Board of Supervisors. A four-hundred (400) watt maximum shall apply to any light source.
- D. In any district all pole mounted illumination or lighting over six feet in height or any wall mounted illumination or lighting supported by brackets or pole arms over six feet in height, hereafter constructed, installed, changed or remodeled shall be “full cut-off lighting” with flush or recessed lens caps only. All light fixtures shall be mounted parallel to the ground. Full cut-off lighting shall be defined as the type lighting fixture designed to provide a light distribution so that the candela at ninety (90)/above nadir is zero (0) and less than ten percent (10%) of rated lumens at eighty (80)/above nadir.
- E. The height of a luminaire shall be limited as follows:
1. In any residential district, the maximum height permitted shall be twenty (20) feet.
 2. In any other district, the maximum height shall be thirty (30) feet.

3. The Board of Supervisors may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.
-
- F. Ball diamonds, playing fields and tennis courts have a unique requirement for nighttime visibility may be exempted from subsections (a) through (h) if, in the judgment of the Board of Supervisors, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.
 - G. The Board of Supervisors shall also retain overall supervision of issues pertaining to enforcement of lighting and glare regulations and may grant modifications from the lighting and glare, regulations contained in this Chapter.
 - H. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.
-
- 21.4.5. Interior Circulation - The interior circulation of traffic in commercial and industrial areas shall be designed so that no driveway, or access land providing parking spaces, shall be used as a through street.
 - 21.4.6. Loading Areas - Areas provided for the loading and unloading of delivery trucks and other vehicles, and for the servicing of businesses by refuse collections, fuel and other service vehicles, shall be located at the side or rear of all buildings, unless topographic constraints prevent their location, shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
 - 21.4.7 Emergency Access
 - A. The applicant shall demonstrate to the satisfaction of the Planning Commission that all buildings shown on the land development plan can be adequately accessed by emergency vehicles and equipment. Emergency access shall be required for the purpose of positioning fire-fighting equipment or other emergency vehicles in relation to the building so that the equipment can be effectively used. Emergency access may be provided by a means of a fire lane, a public or private street, a driveway or aisle in a parking area or an unobstructed landscaped area.
 - B. Emergency access shall be provided on at least one (1) side of each building. The Planning Commission may require emergency access to be provided on more than one (1) side of a building, if warranted by site conditions, and the layout of the land development plan.
 - C. In the event that any applicant disagrees with the determination of the Planning Commission regarding the provision of emergency access, the applicant may appeal that determination to the Zoning Hearing Board.

21.4.8. Access Driveways and Streets

- A. All required permits for State, County and/or Township highways and roads must be obtained prior to final approval.
- B. Driveways shall be separated by a distance of at least one hundred twenty-five feet (125') between center lines, as measured at the point of intersection with the street right-of-way.
- C. No driveway shall be located closer than one hundred and twenty-five feet (125') from an intersection of any State, County or Township right-of-way.
- D. The width of any entranceway leading from a public right-of-way shall not exceed thirty feet (30') at the point of intersection with the public right-of-way.
- E. Streets shall intersect at ninety degree (90o) angles, except where topographic constraints prevent an appropriate alignment. Angles less than ninety degree (90) may be designed, subject to the approval of the Planning Commission. In no case shall proposed streets intersect at an angle less than seventy-five degrees (75).
- F. All streets, rights-of-way and pavement designs shall conform to the requirements adopted by the Township Board of Supervisors in effect at the time of construction.

21.4.9. Traffic Control

- A. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any officially adopted Township traffic study.
- B. Should an official traffic study not exist for the Township, the developer may be required by the Township to complete such a study for development that generates more than one hundred (100) average daily trips and which said study shall address the development and specific traffic problems. Requirements for said traffic study shall be as defined by the Township.
- C. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings, and signs.
- D. The plan for traffic control shall provide off-site traffic flow and safety. The developer shall be responsible for the construction of any such traffic control devices.

21.4.10. Stormwater Management - A Stormwater Management plan shall be developed which conforms to the Township's Chapter 182 Stormwater Ordinance.

**Section 21.5 NATURAL RESOURCE INVENTORY AND DENSITY
DETERMINATION**

21.5.1. Purpose. The natural resource analysis is intended to encourage the accurate identification of the Township's most suitable land for development while conserving lands essential to the Township's health, safety and welfare. It enables the protection of persons, property and the community as a whole from hazards resulting from improper stormwater management, such as erosion, landslides, flooding, surface water contamination and groundwater contamination. It encourages the conservation of West Deer Township's rural character and ensures that current residents and newcomers alike will benefit from the community's natural amenities. Finally, it assists developers in understanding the land's range of development opportunities that are available while capitalizing on density incentives that are offered in conjunction with natural resource protection.

21.5.2. Natural Resource Analysis Methodology.

- A. Applicability. The Natural Resource Analysis shall be completed for all major subdivisions and land developments as defined by the Township and shall only apply to any residential portions.
- B. Data Acquisition. The Township should be consulted for sources that are to be used to acquire the relevant data to complete the analysis.
- C. Required Submissions. In addition to all required submissions for Major Subdivisions and Land Developments as defined in the West Deer Township Subdivision and Land Development Ordinance, the Developer shall prepare for submission a Natural Resource Analysis Map at a minimum scale 1"=100' that clearly identifies and illustrates the location of all existing Class I Resources (Section 21.5.2.D.1), existing Class II Resources (Section 21.5.2.D.2), proposed land disturbance, and proposed land protection. Developments which do not utilize cluster residential development shall submit a Natural Resource Analysis Map, but are not required to complete the worksheets in Section 21.5.3. The Developer of a cluster residential development shall then complete the worksheets in Section 21.5.3 and may adjust proposed land disturbance and land protection as desired. Said map and worksheets shall be submitted together as part of the proposal for Major Subdivisions and Land Developments.
- D. Methodology. To identify the most suitable land for single-family residential development, the Township has established the following process to map, inventory and calculate the number of acres of existing natural resources on a site. Natural resources are categorized into two groups based on the level of sensitivity to the effects of land development.
 - 1. Class I Resources. Class I Resources are critical to maintaining the public health, safety and welfare of the Township and shall remain

undisturbed throughout the development process. Class I Resources include:

- a) Wetlands
- b) Floodplains
- c) Slopes steeper than forty percent (40%) gradient

For the completion of the Natural Resource Analysis Map, the developer shall identify and illustrate the total number of acres of Class I Resources on the proposed development site. For any area where a Class I Resource overlaps with another Class I Resource, only one resource shall be computed.

In an area where Class I Resources exist on a site, all land disturbances shall be prohibited. As a result, the total number of acres of Class I Resources subtracted from the total number of acres of the site to be developed shall equal the Maximum Buildable Acreage of said site.

2. Class II Resources. Class II Resources support the public health, safety and welfare of the Township and contribute greatly to the character of the entire community. The developer is encouraged to protect Class II Resources as part of the residential development and shall be granted density-based incentives if Class II Resources are protected rather than disturbed. The worksheets in Section 21.5.3 will help the developer calculate the incentive. Class II Resources include:

- a) Slopes greater than fifteen percent (>15%) and less than or equal to forty percent (<40%) gradient
- b) Woodlands.

For the completion of the Natural Resource Analysis Map, the developer shall identify and illustrate the total number of acres of Class II Resources on the site to be developed. For any area where a Class II Resource overlaps with another Class II Resource, only one resource shall be computed. For any area where a Class II Resource overlaps with a Class I Resource, the Class I Resource takes precedence, and the Class II Resource shall not be computed as part of the total acreage of Class II Resources.

When the developer has determined the total number of acres of Class II Resources, the developer shall determine the number of Class II acres proposed to be disturbed and calculate the Disturbance Ratio. The Disturbance Ratio shall be used to determine the Density Factor using Figure 1: *Density Incentive Graph* in Section 21.5.3. The developer shall then use the resulting Density Factor to calculate the Adjusted Gross Density of the site.

If the developer chooses to protect all of the Class II resources on the site, the Adjusted Gross Density will be greater than the original Base Gross Density.

3. If there are no Class II resources on the property to be developed, but the developer wants to take advantage of increased density incentives in return for open space protection, the developer shall complete the Natural Resource Analysis worksheets in Section 21.5.3. The developer will propose the total number of acres to be protected and substitute that number for the Total Number of Acres of Class II Resources Proposed for Protection in Box 6 of the Natural Resource Analysis. The subdivision shall meet all standards and dimensions for Cluster Development as defined in Section 6.4.
- E. Open Space. As sensitive resources in West Deer Township are protected, the resulting undeveloped open space may be used and/or managed in a variety of ways. Proposed ownership and management of the open space shall be addressed as part of the Major Subdivisions and Land Development application and is subject to approval by the Township.
1. Required common open space shall not include areas devoted to public or private streets, right-of-way, within twenty-five (25) feet from buildings, storm water management facilities, parking areas, driveways and erosion and sedimentation control facilities.
 2. The open space areas shall be designated as a separate parcel. The landowner and/or developer shall dedicate the open space parcel to the agriculture or open space uses for perpetuity through a restrictive covenant in conformance with West Deer Township standards and shall be filed with the proposed subdivision plan. The restrictive covenant shall be signed by the landowner and/or developer and notarized.
 3. If the property is used for farming by a farmer, a conservation easement of the property shall be maintained. Should the provisions of the covenant be violated, West Deer Township shall have the right of first refusal; property ownership shall otherwise revert to the development's homeowners' association.

21.5.3. Natural Resource Analysis Worksheets

NATURAL RESOURCE ANALYSIS: Inventory

STEP 1	Identify the total number of acres of the parcel(s) to be developed.	<p align="right">Total # of Acres</p> <div style="border: 1px solid black; padding: 2px;">Box 1</div>		
STEP 2	Identify the Base Gross Density for Conventional Single-Family Residential Development (see Section 6.3 of this Ordinance) for the parcel(s) to be developed. If the proposed development consists of more than one zoning classification, the Natural Resource Analysis will have to be completed separately for each classification that is involved.	<p align="right">Base Gross Density for Single-Family Units (DUs/acre)</p> <div style="border: 1px solid black; padding: 2px;">Box 2</div>		
STEP 3	<p>Identify the total number of acres of Class I Resources. For any area where a Class I Resource overlaps with another Class I Resource, only one resource will count toward the total acreage. Class I Resources include:</p> <ul style="list-style-type: none"> • Wetlands • Floodplains • Steep Slopes >40% 	<p align="right">Total # of Acres of Class I Resources</p> <div style="border: 1px solid black; padding: 2px;">Box 3</div>		
STEP 4	<p>Identify the total number of acres of Class II Resources. For any area where a Class II resource overlaps with a Class II resource, only one resource will count toward the total number of acres. For any area where a Class II Resource overlaps with a Class I Resource, the Class I Resource takes precedence, and the Class II Resource shall not be incorporated into the total acreage calculated for Class II resources. Class II Resources include:</p> <ul style="list-style-type: none"> • Steep Slopes >15% and <40% • Woodlands 	<p align="right">Total # of Acres of Class II Resources</p> <div style="border: 1px solid black; padding: 2px;">Box 4</div>		
STEP 5	Identify the total number of acres of Class II Resources proposed for disturbance and proposed for protection.	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> <p>Total # of Acres of Class II Resources Proposed for Disturbance</p> <div style="border: 1px solid black; padding: 2px;">Box 5</div> </td> <td style="width: 50%; text-align: center;"> <p>Total # of Acres of Class II Resources Proposed for Protection</p> <div style="border: 1px solid black; padding: 2px;">Box 6</div> </td> </tr> </table>	<p>Total # of Acres of Class II Resources Proposed for Disturbance</p> <div style="border: 1px solid black; padding: 2px;">Box 5</div>	<p>Total # of Acres of Class II Resources Proposed for Protection</p> <div style="border: 1px solid black; padding: 2px;">Box 6</div>
<p>Total # of Acres of Class II Resources Proposed for Disturbance</p> <div style="border: 1px solid black; padding: 2px;">Box 5</div>	<p>Total # of Acres of Class II Resources Proposed for Protection</p> <div style="border: 1px solid black; padding: 2px;">Box 6</div>			

NATURAL RESOURCE ANALYSIS: Calculations

STEP 6	Total # of Acres (Same as Box 1) <input style="width: 100%;" type="text"/>	—	Total # of Acres of Class I Resources (same as Box 3) <input style="width: 100%;" type="text"/>	=	Maximum Buildable Acreage <input style="width: 100%;" type="text"/>
	Box 7		Box 8		Box 9
STEP 7	Maximum Buildable Acreage (same as Box 9) <input style="width: 100%;" type="text"/>	X	Base Gross Density (same as Box 2) <input style="width: 100%;" type="text"/>	=	Maximum # of Single-family Units for Conventional Development <input style="width: 100%;" type="text"/>
	Box 10		Box 11		Box 12
STEP 8	# of Acres of Class II Resources Proposed for Disturbance (same as Box 5) <input style="width: 100%;" type="text"/>	÷	Total # of Acres of Class II Resources (same as Box 4) <input style="width: 100%;" type="text"/>	=	Class II Disturbance Ratio (round down to nearest tenth) <input style="width: 100%;" type="text"/>
	Box 13		Box 14		Box 15
STEP 9	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(a) Locate the Class II Disturbance Ratio (same as Box 15) on the x-axis of Figure 1 to the right.</p> <p>(b) Follow the corresponding vertical line to its intersection with the thick diagonal line.</p> <p>(c) From the intersection, follow the horizontal line to the y-axis, where the corresponding number indicates the Density Factor.</p> <p>(d) Write the indicated Density Factor below in Box 16.</p> <p>Example: A Class II Disturbance Ratio of 0.4 corresponds with a Density Factor of 0.88.</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 10px;"></div> </div> <div style="width: 50%; text-align: center;"> <p>Figure 1: Density Incentive Graph</p> </div> </div>				
STEP 10	Base Gross Density (same as Box 2) <input style="width: 100%;" type="text"/>	X	Density Factor (same as Box 16) <input style="width: 100%;" type="text"/>	=	Adjusted Gross Density <input style="width: 100%;" type="text"/>
	Box 17		Box 18		Box 19

NATURAL RESOURCE ANALYSIS: Calculations (cont'd)

STEP 11	<p>Adjusted Gross Density (same as Box 19)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 20</p>	X	<p>Maximum Buildable Acreage (same as Box 9)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 21</p>	=	<p>Density Dividend (round up to nearest whole number)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 22</p>
STEP 12	<p>Maximum Buildable Acreage (same as Box 9)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 23</p>	—	<p># of Acres of Class II Resources Proposed for Protection (same as Box 6)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 24</p>	=	<p>Total Acres Proposed for Disturbance</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 25</p>
STEP 13	<p>Density Dividend (same as Box 22)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 26</p>	÷	<p>Total Acres Proposed for Disturbance (same as Box 25)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 27</p>	=	<p>Initial Net Density</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 28</p>
STEP 14	<p>If <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> ≤ <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> , proceed to Step 15.</p> <p style="font-size: small;">Initial Net Density (same as Box 28) Box 29 Box 30</p> <p>If <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> > <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> , skip Step 15 and proceed to Step 16.</p> <p style="font-size: small;">Initial Net Density (same as Box 28) Box 31 Box 32</p>				
STEP 15	<p>Density Dividend (same as Box 22)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 33</p>	=	<p>Maximum Allowable # of Single-family Units. Analysis complete.</p>		
STEP 16	<p>Maximum Allowable Density for Cluster Development in Zoning District (same as Box 32)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 34</p>	X	<p>Total Acres Proposed for Disturbance (same as Box 25)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 35</p>	=	<p>Adjusted Density Dividend</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 36</p>
STEP 17	<p>Adjusted Density Dividend (same as Box 36)</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small;">Box 37</p>	=	<p>Maximum Allowable # of Single-family Units. Analysis complete.</p>		

Section 21.6. RECOMMENDATIONS

- 21.6.1. Action upon the proposed Land Development application shall take place as prescribed in the Township's Subdivision and Land Development Ordinance.

ARTICLE XXII

ADMINISTRATION AND ENFORCEMENT

Section 22.1 ADMINISTRATION

- 22.1.1. A Zoning Officer shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises and the issuing of zoning and occupancy permits. No zoning or occupancy permit shall be issued by said Officer except where the provision of this Ordinance has been complied with. The Zoning Officer shall be appointed by the Board of Supervisors.

Section 22.2. MEDIATION OPTION

- 22.2.1. Parties to proceedings authorized in the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article and the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.
- 22.2.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- A. Funding mediation.
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - E. Identifying all parties and affording them the opportunity to participate.
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-

making body pursuant to the authorized procedures set forth in the other sections of this act.

- 22.2.3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 22.3. ZONING PERMIT

- 22.3.1. When Required - No building or structure shall be erected, added to, placed upon property, or structurally altered until a permit therefore has been issued by the Zoning Officer. Construction and/or alteration as authorized by an approved permit shall begin within the period of ninety (90) days of the date of issuance, otherwise, the permit is null and void. All applications for zoning permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- 22.3.2. Matter Accompanying Applications - There shall be submitted with all applications for zoning permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.
- 22.3.3. Fee - One (1) copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with the permit to the applicant upon a payment of a fee as predetermined from the Fee Schedule adopted by the Board of Supervisors.

Section 22.4. OCCUPANCY PERMIT

- 22.4.1. When Required - Completion of the authorized new construction, alteration, placement, remodeling, change of use of building or land under the provisions of a zoning permit shall not be occupied until an occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within 90 days of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable Ordinances. Zoning Officer refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
- 22.4.2. Occupancy permits are required for the following:
- A. Occupancy of a new building, including a mobile home.
 - B. Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.

- C. Change in the use of an existing building other than to a use of the same type.
 - D. Occupancy and use of vacant land.
 - E. Change in the use of land except to another use of the same type.
 - F. Any change in use of a non-conforming use.
 - G. A change of occupants in an existing building.
- 22.4.3. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Ordinance and all other ordinances of the municipality. Occupancy permits are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use if in full conformity with the provisions of the Ordinance.
- 22.4.4. Fee - Application for an occupancy permit shall be returned when approved by the Zoning Officer together with the occupancy permit upon payment of the prescribed fee. Fees for occupancy permits shall be in accordance with the fees as predetermined from a Fee Schedule adopted by the Board of Supervisors.

ARTICLE XXIII

CONDITIONAL USE

Section 23.1 POWERS AND DUTIES

- 23.1.1. The Board of Supervisors shall hear and decide upon requests for Conditional Uses which are permitted by this Ordinance, after review and recommendation of the Planning Commission and consistent with the MPC Section 603(c)(2), that the governing body may attach such reasonable conditions and safeguards, other than those related to offsite transportation or road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC and the Zoning Ordinance. A Conditional Use shall be granted approval, predicated upon the submission of a written application demonstrating that the development:
- A. Will not endanger the public health, safety, morals and general welfare if located where proposed, and that the use will not deteriorate the environment and will meet all performance standards of Section 21.4;
 - B. Meets all other requirements of this Ordinance in the zoning district where the use is proposed;
 - C. Is in general conformity with the Township's Comprehensive Plan; and
 - D. Is an appropriate use on the proposed site.
- 23.1.2. An illustrative site plan which will show, to scale:
- A. The entire property to be developed;
 - B. The location, height and use of all structures; and
 - C. Topographical and natural features on the property.

Section 23.2 PROCEDURES

- 23.2.1. The landowner shall file with the Township Secretary an application for the granting of a Conditional Use along with all required background information identified as part of the Conditional Use application to explain the development proposed and its compliance with the standards and criteria of this Ordinance. Said request shall be accompanied by a fee specified by the Board of Supervisors and shall be filed in triplicate.
- 23.2.2. The Board of Supervisors shall transmit one (1) copy of the request as well as all documentation to the Township Planning Commission for recommendations at least thirty (30) days prior to the scheduled public hearing.
- 23.2.3. The Board of Supervisors shall schedule a hearing with public notice within sixty (60) days of said request.

- 23.2.4. The Board shall render a decision and inform the applicant of said decision within thirty (30) days of the hearing date, unless upon mutual consent of the Board and applicant it is agreed to continue the proceedings. If the governing body fails to render a decision within forty-five (45) days of the last hearing before the governing body or fails to commence, conduct or complete the hearing as provided in 908(1.2) of the MPC, the decision shall be deemed to have been rendered in favor of the applicant. The governing body functions shall comply with the MPC Section 913.2.

Section 23.3. PERMIT EXPIRATION

- 23.3.1. Once a conditional use has received approval, the applicant shall apply for a building permit and/or occupancy permit within twelve (12) months from the date of approval, or the conditional use approval shall become null and void.
- 23.3.2. The Board of Supervisors may, upon written request being filed by the applicant at least thirty (30) days prior to the expiration, grant an extension of time, not to exceed twelve (12) months. Upon granting any extension of time, the Board shall ensure that the conditional use permit complies with all current ordinances and codes.

Section 23.4. CONDITIONAL USE STANDARDS AND CRITERIA

- 23.4.1. Each conditional use identified in Articles VII through XVII shall address the following applicable standards and criteria as identified. Additional conditions may be placed upon the Applicant by the Board of Supervisors as deemed necessary to provide for the health, safety, morals and general welfare of the community.
- 23.4.2. Adult-Oriented Establishment
- A. See Township Code of Ordinances - Chapter 65.
- 23.4.3. Airport
- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
1. Minimum lot size shall be fifty (50) acres.
 2. The airport may include accessory uses such as hangars, fuel storage and restaurant.

3. All new structures shall be separated by a minimum of one hundred feet (100').
 4. The perimeter of the property shall be fenced unless otherwise determined by the Board of Supervisors.
 5. The control tower or communication tower may be permitted to a maximum height of one hundred feet (100') unless otherwise approved by the Federal Aviation Administration.
- B. All site plans, operation plans and other required plans shall be approved by the Federal Aviation Administration (FAA), State and County agencies prior to action by the Township.
- C. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.4. Apartment

- A. Where a landowner and/or developer proposes a mix of apartments and commercial uses, known as a mixed-use development, which contains twenty (20) or more apartments, the minimum parking requirements as defined by this Ordinance shall be reduced by twenty-five percent (25%). A mixed-use development shall be considered a use that integrates commercial and residential uses within a single building or land development plan.
- B. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- C. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.
- D. If the parking area for an apartment development is adjacent to an existing residential lot, any parking areas that demand greater than thirty (30) automobiles, the following shall apply:
1. An additional ten (10) foot setback shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
 2. A mound, a minimum of three and one-half (3 1/2) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped with plants that provide four seasons of buffer not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties.

- E. All dumpsters and/or waste collection areas shall be located a maximum of two hundred (200) feet from the further most residential unit and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).
- F. The primary vehicular entrance to the apartments shall face the public right-of-way.
- G. No apartment building shall be located within the flight path of a runway facility of an airport.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are limited to increased setbacks.

23.4.5. Automobile Sales/Service

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- B. All automobile sales/services shall be located adjacent to an arterial road as identified by the Township.
- C. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- D. All outdoor areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.
- E. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.6 Automobile Rental

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic

improvements to accommodate projected volumes and/or level of service impacts.

- B. All automobile rental establishments shall be located adjacent to an arterial road as identified by the Township.
- C. All automobile rental establishments shall have a maximum lot area of one (1) acre.
- D. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- E. All outdoor areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.
- F. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.7. Bed and Breakfast

- A. All service areas shall be located to the rear of the lot and properly screened as per Section 21.4.1 of this Ordinance.
- B. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.8. Billboards

- A. A billboard shall be considered a structure.
- B. A billboard shall not be erected within one thousand five hundred (1500) feet of the line of any public or parochial school property. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented.
- C. On Interstate and limited access highways, a billboard shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
- D. The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
- E. No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or non-residential structure.
- F. No billboard shall be constructed that obstructs visibility within the clear sight triangle to a height of twenty five (25) feet from the average ground

elevation of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety. Average ground elevation shall be measured as the median between the high point and low point found within the clear sight triangle area.

- G. Billboards shall maintain a lateral minimum spacing of one thousand five hundred (1500) feet between billboard structures. Required spacing shall be measured from a point perpendicular to the centermost point of the billboard structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented. The applicant shall document this spacing of any existing adjacent billboards.
- H. Billboards may not be mounted on the roof or project above the parapet of a building wall.
- I. A detailed plan shall be submitted which indicates billboard size, number of faces, landscaping, construction types and site plan illustrating compliance with applicable setbacks and right-of-way locations.
- J. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
- K. Size and Shape
 - 1. Billboard signs shall not exceed sixty-four (64) square feet on any one parcel, the parcel must be a separate, subdivided tract or lot and far enough away from adjacent properties so as to not effect or damage adjacent properties in case of collapse. All Billboards must be submitted along with a land development plan to the Planning Commission for review and consideration. Final approval is required by the Board of Supervisors.
 - 2. The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.
 - 3. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
- L. Landscaping Requirements
 - 1. If the billboard foundation is visible from the right-of-way, the entire base of the billboard structure shall be permanently landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
 - 2. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped buffer yards.

3. Landscaping shall be maintained by the billboard sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
4. Permanent landscaping shall form a base and/or backdrop to the billboard sign when practical in the opinion of the Zoning Officer.
5. All grading shall be in accordance with West Deer Township and Commonwealth of Pennsylvania regulations.
6. No bare earth cuts are permitted on a hillside.
7. All earth cuts or fills are to be permanently seeded or planted to prevent erosion.

M. Lighting

1. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of zero (0.0) footcandle upon an adjoining lot.
2. No billboard shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties because of movement, flashing or emitting noise. All display lighting shall be designed in accordance with PennDOT regulations.
3. The use of colored lighting for exterior spot lighting or uplighting is not permitted.

N. Maintenance.

1. A billboard structure shall be entirely painted every three (3) years.
2. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by an engineer or an architect and shall provide to West Deer Township a certificate from an engineer or architect attesting that the billboard is structurally sound.
3. Annual inspections of the billboard may be conducted by West Deer Township to determine compliance with the provisions of this Chapter.
4. Billboards found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by West Deer Township. Failure to comply shall be a violation of this Chapter.
5. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.

- O. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.
- 23.4.9. Business and Technology Park (BTP)
- A. The minimum tract size, under single ownership, shall be one hundred (100) acres. Expansion of an approved BTP shall not be limited to a minimum lot size.
 - B. A Developer's Agreement shall be provided for the initial development of a BTP and any expansion of the BTP shall be consistent with the initial Agreement.
 - C. The following yard and area standards for individual lots within the BTP shall be as measured from the wall of the building or the end of the loading dock, whichever is closer to the property line:
 - (1) minimum lot size:1 ½ acres
 - (2) minimum lot width:150'
 - (3) minimum front yard setback:..... 50'
 - (4) minimum side yard setback:
 - a. adjoining residential use or zone district..... 50'
 - b. adjoining non-residential use or zone district:..20'
 - c. street side on corner lot:50'
 - (5) minimum rear yard setback:50'
 - D. Building height shall be regulated as follows:
 - (1) no structure shall exceed five (5) stories above ground, or seventy-two feet (72') in height, whichever is less. Height shall be measured from the average ground finished elevation to top of parapet, except that all structures on top of the roof, including cooling and water towers or stacks in connection with heating or ventilation, elevator equipment or satellite dishes situate on the roof, shall not be factored into the measurement.
 - (2) for any structures which exceeds two and one-half (2 ½) stories above ground, or thirty-five feet (35') in height, and adjoins a residential use or zone district, shall be set back one hundred feet (100').
 - E. Impervious Surface Ratio – The maximum impervious surface coverage of the buildable area of a lot shall be eighty percent (80%). Impervious surfaces shall include all principal and accessory structures and paved areas.
 - F. The maximum coverage of a lot by all principal and accessory structures shall be sixty percent (60%).

23.4.10 Campground

- A. The area of land shall have a minimum area of five (5) acres.
- B. The minimum lot or campsite shall be twenty (20) feet in width and forty (40) feet in length. The drive-through spaces shall be fifteen (15) feet in width and sixty (60) feet in length.
- C. Each space in a recreational vehicle park, shall be improved with gravel or better covering as approved by the Township, in order to maintain a dust and mud-free condition.
- D. Recreational vehicle lots installed with water, sewer, and electricity shall be established at a ratio to the total number of lots on a park by park basis as a condition of the use permit.
- E. Restrooms and shower facilities shall be provided in the number and location required by the Township, with adequate parking areas adjacent thereto.
- F. Usable open space for common areas shall be planned and provided for at convenient locations to provide at least two hundred (200) square feet per lot. Such open space may include play yards, pools, and recreation buildings but shall not be deemed to include public facilities and open areas not accessible to the tenants.
- G. Refuse storage areas shall be provided in key areas throughout the park or campground with provisions for screening and collection.
- H. Each such recreational vehicle park shall be enclosed by a six (6) foot perimeter fence and by a landscaping strip of five (5) feet average width on the street side of the park. The Township may require a higher fence when the park abuts a residential area.
- I. There shall be a minimum of ten (10) feet setback between the pads and the exterior perimeter boundaries.
- J. The street system shall be maintained in a well-graded, dust-free condition at all times.
- K. All utilities shall be placed underground.
- L. A secondary emergency exit shall be provided.
- M. A storm drain system shall be provided to accommodate run-off, both tributary to and originating within the recreational vehicle park or campground, and to transfer said runoff to a satisfactory point of disposal. Unless a waiver is granted by the Planning Commission or Board of Supervisors at the time the use permit is granted, the storm drain system

shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the appropriate building official.

- N. A statement on the method of fire protection shall accompany each application, which shall be approved by the fire agency in charge before the application for a use permit is scheduled on the agenda of the Planning Commission.
- O. A location for a dump station for self-contained trailers and campers shall be provided unless exempted by the Township.

23.4.11. Cemetery

- A. The location of a cemetery shall be as approved by the Township Board of Supervisors and shall be accessible from an approved street in the Township.
- B. The minimum lot area shall be twenty (20) acres; the maximum lot area shall be fifty (50) acres.
- C. All structures shall be located no closer than one hundred feet (100') to any property line.
- D. No burial sites shall be located closer than fifty feet (50') to any property line.
- E. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- F. Plans for ingress, egress and internal traffic circulation on the lot shall be submitted to PennDOT for comments regarding public safety.
- G. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the parking requirements of this Chapter.
- H. All outdoor storage of equipment or material shall be screened from adjacent streets and properties.
- I. An additional ten (10) feet of yard setback with landscaping a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided to protect the surrounding residences from inappropriate light and other disturbances.
- J. At no time shall a corpse be exposed or visible from a public right-of-way or adjacent lot.
- K. The hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance or interruption.
- L. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

- M. The owner(s) and operator(s) of a cemetery shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- N. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.12. Communication Tower

- A. The applicant who proposes to construct a new communications tower shall provide the Township's Building Inspector and Code Enforcement Officer with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network. Before an applicant proposes to construct a new communications tower, the applicant shall attempt to locate the proposed antenna on an existing communications tower or other tall structure. The procedure for ruling out this collocation requirement shall be followed by all applicants proposing a new communications tower and is described below.
 - 1. The applicant shall contact all owners of surrounding communications towers and tall structures within one (1) mile of the proposed communications tower in order to determine if the proposed antenna and related equipment can be located on an existing tall structure. As part of the application, the applicant shall demonstrate at least one (1) of the following reasons for forgoing collocation on an existing communications tower or other tall structure.
 - a) That the proposed communications antenna and related equipment would exceed the structural capacity of existing communications towers or other tall structures.
 - b) That the proposed communications antenna would cause radio frequency interference with other existing equipment on existing communications towers or other tall structures.
 - c) That the existing communications towers or other tall structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function.
 - d) That the addition of the proposed communications antenna and related equipment would result in electromagnetic radiation from such communications towers exceeding standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

- e) That an agreement could not be reached with the owner of the communications tower or other tall structure.
- B. The applicant who can utilize any existing communications tower or other tall structure shall make every effort in good faith to utilize the existing communications tower or other tall structure rather than construct a new tower.
- C. If an existing communications tower or other tall structure is within a one (1) mile radius of the proposed tower and the applicant does not contact owners of such tall structures or does not make a good faith effort as described above, West Deer Township may deny the request for conditional use approval based on such inaction.
- D. If the applicant succeeds in collocating an antenna on an existing communications tower or other tall structure, the regulations applicable to communications antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets shall be adhered to.
- E. If the applicant proposing a new communication antenna is not bound by the aforementioned collocation requirements, the following design criteria shall be adhered to:
 - 1. The following building setbacks shall be adhered to by all communications towers:
 - a) Towers more than fifty (50) feet in height and less than two hundred-fifty (250) feet in height shall be located on the lot so that the minimum distance from the base of the tower to any adjoining property line is equal to one hundred percent (100%) of the proposed tower height. No variance shall be granted from the minimum setback requirement.
 - b) Towers fifty (50) feet or less in height shall make every effort to satisfy the minimum one hundred percent (100%) setback requirement. However, towers fifty (50) feet or less in height that cannot satisfy the minimum one-hundred percent (100%) setback requirement may be approved by West Deer Township, provided that the applicant presents a certification from an engineer that the tower will withstand winds of one hundred (100) miles per hour. Towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred percent (100%) requirement shall be set back at a minimum of thirty (30) feet from any adjoining property line.
 - c) Towers shall be set back a distance equal to one hundred ten percent (110%) of their height from any existing building used for human habitation or by humans on a regular basis.

2. Under no circumstances shall a communications tower exceed two hundred-fifty (250) feet in height.
 3. Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the communications antenna, whichever is higher. The total height shall not include required lighting rods and other safety devices as required by the Federal Communications Commission (FCC).
- F. Lighting for communications towers shall be in accordance with the following regulations.
1. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the FAA. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
 2. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
- G. If any new access to the lot is proposed, the following regulations shall be adhered to.
1. Where the lot abuts or has access to an arterial road, access for maintenance vehicles shall be exclusively by means of the arterial roads. If possible, direct access from a local street shall be avoided.
 2. At least one (1) parking space shall be provided for each tower.
 3. The access drive to the lot shall be at least twelve (12) feet in width and improved with material acceptable to the Township's Building Inspector and Code Enforcement Officer. No access drive shall be constructed of dirt or left in an unpaved state.
- H. If deemed necessary by the Township, fencing and/or signage may be required in accordance with the following regulations.
1. If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.
 2. If high voltage is provided at the tower, signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The signs shall say "Danger-High Voltage," and the words shall be legible from a distance of twenty (20) feet.
- I. Any abandoned or unused communications tower shall be removed by the owner within twelve (12) months of the date the antenna was abandoned or last used. If a communications tower is abandoned, the owner shall be required to immediately notify West Deer Township in writing of the abandonment.

- J. A landscape plan shall be required for all communications towers in accordance with the provisions of this Ordinance.
- K. In addition to the conditional use approval, all applicants who propose a communications tower shall submit for approval a land development plan indicating antenna location, height and design, proposed access, drainage improvements with a stormwater management plan, and a landscaping plan.
- L. The applicant proposing to construct a communications tower shall provide detailed construction drawings for review by the Township Building Inspector.
- M. The applicant proposing to construct a communications tower shall provide detailed certification from an engineer that the proposed installation will be constructed in accordance with all applicable international building code standards and will have structural capacity to serve the devices, antennas and equipment mounted thereon.
- N. The petitioner shall submit a map of West Deer Township together with all adjoining Townships indicating exact location of all other towers which they have or may have the potential to have collocation.
- O. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.13. Contractor's Yard

- A. A contractor's yard shall have a minimum lot area of twenty thousand (20,000) square feet and a maximum lot area of two (2) acres.
- B. A contractor's yard shall have direct access to an arterial road as identified by the Township.
- C. All equipment supplies, materials and other apparatus shall be properly screened. Screens shall be constructed with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet in height and with a minimum opacity of eighty (80%) percent.
- D. All property boundaries adjoining an existing residence shall provide a landscaped bufferyard of a minimum of fifteen (15) feet in width. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- E. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- F. A contractor's yard that adjoins an existing residence shall not begin mechanical operations until 7:00 A.M. and shall cease all mechanical operations by 9:00 P.M.

- G. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.14. Convenience Store with Gasoline

- A. The minimum lot area for a Convenience Store with Gasoline shall be twenty-thousand (20,000) square feet.
- B. No street entrance or exit shall be located within two hundred feet (200') of a street entrance or exit of any school, park or playground, hospital, church, public library or public or semi-public buildings.
- C. The Convenience Store with Gasoline shall have direct ingress/egress to an arterial road as identified by the Township.
- D. A canopy over the gas pumps shall be permitted, provided that:
 - 1. The canopy is not attached to the principal building.
 - 2. The canopy shall not be enclosed.
 - 3. The canopy shall be located a minimum of fifty (50) feet from any property line or street right-of-way line.
 - 4. The canopy shall be removed immediately if the principal use is changed or discontinued.
- E. All authorized minor repair work, car washing and lubrication shall be conducted within a completely enclosed building.
- F. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- G. Off-street parking shall be provided for a minimum of one (1) space for each employee on duty and employer plus three (3) spaces for each repair bay.
- H. Gasoline pumps shall be located at least forty (40) feet from the centerline of the right-of-way of any public street.
- I. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- J. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- #### 23.4.15. Country Club/Golf Course

- ### 23.4.16. Duplex

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23.4.17. Funeral Home

- A. All off-street parking must be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a maximum height of six (6) feet and a minimum opacity of eighty (80%) percent.
- D. Setbacks shall be consistent with surrounding development.
- E. All rooms available for funerals and viewing shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear yard setback and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80%) percent.
- G. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.18. Garage, Automobile Repair

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- B. An automobile repair and service station shall have direct ingress/egress to an arterial road as identified by the Township or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.
- C. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- D. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- E. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- F. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

- G. Individual parking spaces for automobiles undergoing repair or that have undergone repair must be arranged so that each space has access to and from an unobstructed paved area.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.19. Home Based Business, Other

- A. There shall be no exterior evidence of the use other than the wall sign authorized by the Township.
- B. No persons other than residents of the dwelling shall be employed. For the purposes of this section, "employed" shall be defined as one who receives compensation for any kind of services performed in association with the home occupation. This compensation can be in the form of monetary compensation, rent or other compensatory consideration.
- C. No more than fifteen percent (15%) of the gross floor area of the dwelling shall be devoted to the conduct of a home occupation.
- D. The use shall not create any additional environmental impact other than those impacts, including but not limited to road infrastructure, traffic, garbage, water and sewage, normally resulting from residential use.
- E. The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
- F. The use shall not require internal or external alterations or construction features which change the fire rating of the structure.
- G. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- H. There shall be no storage of materials or equipment outside an enclosed building.
- I. The conduct of any Home Based Business, including but not limited to the storage of goods or equipment, shall not reduce or render unusable areas required for parking for the dwelling unit.
- J. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- K. All needs for parking generated by the conduct of a home occupation shall be provided for on the lot.
- L. The home occupation shall not involve the use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for

delivery of materials or merchandise to or from the premises, and such vehicles shall not be parked in the lot's side or rear yards.

- M. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.
- N. A Home Based Business shall not involve the use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
- O. The following uses shall not be considered to be Homes Based Businesses and shall be limited to the districts in which they are specifically authorized as principal or conditional uses:
 - 1. Animal hospitals.
 - 2. Automobile sales, rental, service and repair shops.
 - 3. Beauty shops and barbershops containing more than one (1) chair.
 - 4. Clinics, hospitals, nursing homes, group care facilities.
 - 5. Kennels.
 - 6. Funeral homes.
 - 7. Private clubs.
 - 8. Private instruction to more than three (3) students at a time.
 - 9. Restaurants.
 - 10. Keeping of horses.
- P. Day Care Homes, as defined in this ordinance, shall be considered a Home Based Business, provided that:
 - 1. All of the foregoing standards for a home occupation are met.
 - 2. Evidence of licensing by the Commonwealth of Pennsylvania shall be presented at the time of application and the licenses shall be maintained throughout operation of the day-care home.
 - 3. An adequate area for outdoor recreation shall be provided and shall be secured by a fence with a self-latching gate.
 - 4. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
- Q. Any approved Home Based Business which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.

- R. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.20. Hospital

- A. A hospital shall not be located within the flight path of a runway facility of an airport.
- B. A hospital shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to the airports or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- D. All parking areas adjacent to a flight path or runway approach of an airport shall provide a minimum of one (1) landscaped island for every seven (7) parking spaces. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.
- E. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.21. Kennel, Animal

- A. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Ordinance.
- B. The minimum lot area shall be two (2) acres.
- C. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.

- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department shall be maintained.
- F. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- G. Approval as a conditional use shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.22. Gas and Oil Production

A. Classifications:

- 1. A Deep Well Site which would be placed more than Six Hundred and Fifty (650) feet from any preexisting building located off the property where the Deep Well Site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3 and I zoning districts provided such property upon which the Oil and Gas Well Site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.
- 2. A Shallow Well Site which would be placed more than One Hundred (100) feet from any preexisting building located off the property where the Shallow Well Site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3, R-4, C-2, S-U, and I zoning districts provided such property upon which the Oil and Gas Well Site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.
- 3. A Natural Gas Compressor Station or any similar facilities performing the equivalent functions which would be located more than One Thousand Two Hundred (1200) feet from any preexisting building located off the property where the Natural Gas Compressor Station or similar facility is located may be permitted as a conditional use in the R, R-1, S-U and I zoning districts. Otherwise, such use shall be prohibited in the residential and commercial zone not otherwise permitted above.

4. A Natural Gas Processing Plant or any similar facilities performing the equivalent functions which would be located more than One Thousand (100) feet from any preexisting building located off the property where the Natural Gas Processing Plant or similar facility is located may be permitted as a conditional use in the I zoning district. Otherwise, such use shall be prohibited in the residential and commercial zone not otherwise permitted above.

B. Applicability:

1. This Ordinance applies to all Oil and Gas Development, Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that will be approved or constructed after the effective date of this Ordinance.
2. Oil and Gas Development, Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that were permitted or constructed prior to the adoption of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any modification to an existing or permitted Oil and Gas Development, Oil, Gas Well Site, Natural Gas Compression Station, or Natural Gas Processing Plant that occurs after the effective date of this Ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require compliance with a Conditional Use approval under this Ordinance
3. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

C. Application Criteria:

1. No Oil and Gas Development, Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant or an addition to an existing Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant shall be constructed or located within the Township unless an application for Conditional Use has been approved by the Township approving the construction or preparation of the site for Oil or Gas Development or construction of Natural Gas Compressor Stations or Natural Gas Processing Plants.
2. The Conditional Use application, shall be accompanied by a fee as established in the Township's schedule of fees. In addition, any direct costs associated with the review of an application or related studies will be paid by the applicant. This includes any direct costs associated with hiring a third party to assist in the review of the application and

related documents. Unpaid costs will be a basis for the Township to deny future applications for that well operator.

3. Any modification to an existing and approved Oil or Gas Well Site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require a modification of the Conditional Use application required under this Ordinance. Like-kind replacements shall not require a Conditional Use approval modification.

D. Pre-Application Conferences:

1. Before submitting an application the applicant is strongly encouraged to meet with the Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.
2. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such conference.

E. Conditional Use Application:

1. The applicant shall provide to the Township at the time of submitting its Conditional Use application:
 - a. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
 - b. A narrative describing an overview of the project as it relates to Natural Gas Compressor Stations or Natural Gas Processing Plants.
 - c. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant as determined by the Township or county.
 - d. The contact information of the individual or individuals responsible for the operation and activities at the Oil or Gas Well Site shall be provided to the Township and all emergency responders. Such information shall include a phone number

where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all emergency providers.

- e. A location map of the Oil or Gas Well Site showing the location of Derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets shall be undisturbed.
- f. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any equipment and structures and all permanent improvements to the site.
- g. A narrative and map describing the manner and routes for the transportation, delivery and removal of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the Oil or Gas Well Site.
- h. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the Oil or Gas Well Site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township Roadway Maintenance and Repair Agreement with the Township, in a form acceptable to the Township solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
- i. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
- j. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan (the "PPC") has been provided to the Township and all emergency responders. The PPC shall be in compliance with the Pennsylvania Department of Environmental Protection Guidelines for the Development and Implementation of Environmental Response Plans.

- k. A statement that the applicant, upon changes occurring to the operation's PPC, will provide to the Township and all emergency responders the dated revised copy of the PPC while drilling activities are taking place at the Oil or Gas Well Site.
 - l. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the PPC for all emergency responders.
 - m. A copy of the documents submitted to the DEP, or if no document has been submitted to the DEP, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
 - n. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
 - o. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
 - p. A Stormwater Management Plan for any access road constructed by the well owner/well operator providing for the regulation of surface water drainage consistent with any Township stormwater management ordinance in effect at the time such access road constructed. Such Stormwater Management Plan shall be reviewed and approved by the Township Engineer prior to the approval of any Conditional Use application for Oil Gas Development.
 - q. A copy of a water quality test on all water wells, developed springs and surface waters establishing the base chemical composition of all well and surface water supplies within One Thousand Feet (1000') of any Oil and Gas Well Site prior to construction of any Oil and Gas Development. At a minimum, such tests shall be conducted to establish the presence and levels or bacteria/coli form, salt, brine, sulfur, hydro-carbons, including halogenated hydrocarbons, heavy metals and/or other contaminants commonly associated with oil and gas drilling operations.
2. Within 15 business days after receipt of a Conditional Use application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.

3. Within thirty (30) days following the approval of any Conditional Use application for Oil and Gas Development by the Township, as contemplated herein, the applicant shall execute the Repair Agreement described in Section F.1. hereof. Failure to execute the required Repair Agreement shall constitute a violation hereof and the respective Conditional Use approval and shall constitute an automatic revocation of any approval hereunder.

F. Conditions and Standards:

1. Well operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for development activities. For state and county roads located within the Township, well operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to the Township. Well operator shall provide a transportation route map which depicts the roads to be utilized in the Township. The well operator shall inventory the condition of the roads and provide video and photo documentation to the Township. The well operator shall also submit at the time of application a road restoration plan that indicates how the well operator plans to address damage to Township roads during construction and after construction is complete. Within thirty (30) days following the approval of a Conditional Use application for Oil and Gas Development by the Township, and in any event, prior to the commencement of any activity at the approved Oil and Gas Well Site, the applicant shall enter into a Township Roadway Maintenance and Repair Agreement (the "Repair Agreement") with the Township, in a form acceptable to the Township regarding maintenance, repair and bonding of Township roads that are to be used by vehicles for Oil and Gas Development activities. Without limiting the generality of the foregoing, the Repair Agreement shall address the bonding requirements to be imposed against the applicant, in the Township's sole reasonable discretion, and shall identify the responsibilities of the applicant to prepare, maintain, and repair Township roads, before, during, and immediately after drilling operations associated with Oil and Gas Development. Corrective action shall be taken by the well operator as and when directed by the Township.
2. Well operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and shall ensure such roads are promptly (within 24 hours) swept or cleaned of dirt, mud and debris. Ingress and egress points shall be located to comply with PA Code 67 Chapter 441 PaDOT Design Manual 2, and shall meet transition grades, turning

radii, and accommodate traffic capacity to provide for efficient movement.

3. Well operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, well operator shall provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
4. Well operator shall not clear brush or trees by way of burning. However, well operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the well operator is engaging in development.
5. Before any Oil and Gas Development activities, the Township shall ascertain whether the Township's Police and Fire Departments have secured adequate information and training to deal with any potential dangerous conditions that may result due to development activities. Emergency responders shall, upon request from the Township and at the well operators sole cost and expense, have on-site training orientation with respect to the PPC and providing adequate awareness information prior to drilling of an Oil and Gas Well. The well operator will provide at least fifteen (15) days' notice of on-site training and orientation. Such site orientation shall also be made available immediately after any substantial modification to the development or well site, or not less than annually during the period when the well operator anticipates drilling activities in the Township.
6. Well operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
7. Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process, well operator shall consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Township Engineer will review the site plan with consideration of private property usage and future development.

8. At least ten (10) days prior to commencement of drilling, the well operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). Revocation of any federal, state, municipal, or other required approvals applicable to the use shall constitute an automatic revocation of the Conditional Use approval.

G. Design and Installation:

1. Access.

- a. Whenever possible, access to any Oil or Gas Well Site should be from a collector street.
- b. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
- c. Well owner or well operator must install and maintain any access road constructed to access an Oil and Gas Well Site in such a manner to ensure a "mud free" gravel surface for at least Two Hundred Feet (200') of its intersection with any public or private road.
- d. The well owner/well operator must construct and maintain a "tire cleaning surface" consisting of a minimum of One Hundred Feet (100') of #3 PennDot approved stone having a depth of not less than Six Inches (6") leading to all intersections with any public road or collector street during construction for drilling operations.

2. Structure Height.

- a. Permanent structures associated with an Oil and Gas Site, both principal and accessory, shall comply with the height regulations for the zoning district in which the Oil or Gas Well Site is located.
- b. Permanent structures associated with Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with the height regulations for the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
- c. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an Oil or Gas Well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an Oil or Gas Well. Provided further the time period of such

drilling and exemption shall not exceed 6 months. The well operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

3. Setbacks.

- a. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- b. The drilling pad for the Oil or Gas Well Site shall comply with all setback and buffer requirements of the zoning district in which the Oil or Gas Well Site is located.
- c. Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with all setback and buffer requirements of the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
- d. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the well operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.
- e. Drilling pads, Natural Gas Compressor Stations or Natural Gas Processing Plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

4. Screening and Fencing.

- a. Security fencing shall not be required at Oil or Gas Well Sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.
- b. Upon completion of drilling or redrilling security fencing consisting of a permanent chain link fence with a minimum thickness gauge of eleven (11) shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site. All fencing surrounding liquid impoundments shall meet and satisfy all OSHA requirements. Fence support posts shall be set in concrete embedded into the ground. Tension

rods shall be 3/8 inch round steel bolt. Tension bars shall have a minimum thickness of 1/4 x 3/4 inch. Adjustable tightness shall have a six (6) inch minimum take-up.

- c. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.
- d. Emergency responders shall be given means to access Oil or Gas Well Site in case of an emergency.
- e. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency.
- f. In construction of Oil or Gas Well Sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
- g. Pine trees are to be planted as screening around the fenced well head. The trees shall be of such a height when planted as to provide immediate screening.
- h. Landscaping shall be done in accordance with Article XXI, Land Development, Section 21.4, Development Standards.

5. Lighting.

- a. Lighting at the Oil or Gas Well Site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the Oil or Gas Well Development.
- b. Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.

6. Noise.

- a. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil or Gas Well Development.

- b. Prior to drilling of an Oil or Gas Well or the operation of a Natural Gas Compressor Station or a Natural Gas Processing Plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred (100) feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two (72) hour test the applicant may assume and use, for the purpose of compliance with this Ordinance, a default ambient noise level of 65 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
- c. The applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
- d. The noise generated during the oil and gas operations or the Natural Gas Compressor Station or the Natural Gas Processing Plant shall not exceed the average ambient noise level established in subsection (2) by more than:
 - (1) 5 decibels during drilling activities,
 - (2) 10 decibels during hydraulic fracturing operations.
 - (3) 5 decibels for a Natural Gas Compressor Station or a Natural Gas Processing Plant.
 - (4) Allowable increase in subsection c shall not exceed the average ambient noise level for more than 10 minutes within any one-hour period.
- e. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- f. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the Oil or Gas Well Site, or the gas compressor station, or at the Natural Gas Processing Plant for good cause shown and upon written agreement between the applicant and the Township.

- g. Complaints received by the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building or one-hundred (100) feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
 - h. Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.
8. Prohibitions.
- a. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
 - b. Oil and gas drilling in the 100 Year Floodplain is discouraged but may be permitted by the Township in its discretion if the following provisions are met.
 - 1. If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.
 - 2. An adequate Emergency Evacuation Plan shall have been produced by the applicant and filed with the Township.
 - 3. No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a 100-year flood; and further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.

4. Only necessary and needed structures will be permitted within the floodplain.
5. All structures within the flood zone shall be designed to withstand a 100-year storm event.
6. An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.

H. Surface and Ground Water:

1. If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the well owner/well operator shall submit to the Township, prior to the approval of any Conditional Use application, a deed of easement, release and right of entry agreement or similar document or agreement, signed by the adjoining property owner(s) and well owner/well operator, in a recordable form, evidencing such property owner's permission to discharge surface water onto their property. Such surface drainage shall be consistent with rule and regulations adopted and/or enforced by the DEP.
2. Upon receipt of a written complaint from any property owner that the quantity of the water supply for the property has been affected by the drilling operations thereupon, the Township shall report the same to the well owner and/or well operator. Within ten (10) days of receipt of such written notice, the well owner and/or well operator shall perform a well recovery rate (flow) test for affected water wells or developed springs on the property and shall submit the results of same to the Township and property owner. The Township shall immediately forward a copy of the original flow test results submitted as part of the Conditional Use application, together with the post-complaint flow test results to the DEP for disposition pursuant to the Oil and Gas Act (58 P.S. §601.208), or its successor section, and any regulations associated with same.
3. In the event the DEP takes, or requires the well owner or well operator to take, remedial action to correct deficiencies in the water quality or quantity on the property, or if private remedial measures to correct deficiencies in the water quality or quantity on the property have occurred, the Township may declare the drilling operations on the property to be a "public nuisance" pursuant to the Oil and Gas Act (58 P.S. §601.502), or any successor section, and thereafter revoke or suspend any Conditional Use approval hereunder and pursue its right

under law to restrain such conditions pursuant to the Oil and Gas Act (58 P.S. §601.504), or any successor section.

4. Nothing in this section shall be deemed or construed to limit the ability or any affected property owner from making a complaint directly to the DEP or pursuing any other private action or claims, at law or in equity, in any court of competent jurisdiction regarding any water supply deficiencies caused, or alleged to be caused, by any well owner or well operator.
 5. Well operator, at well operator's sole cost and expense, shall test the effluent of all water wells and water sources used by any residence or business within one thousand (1,000) feet of any Oil and Gas Well Site. The water test shall, at a minimum, establish the base chemical composition of such well and surface water supplies prior to the commencement of any Oil and Gas Development. All test results shall be provided, by certified mail, to the Township and to each owner of the surface rights to the real property upon which such water well or water source is located.
- I. Enforcement and Violations: Any well owner, well operator, or other person who violates or permits a violation of this chapter upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than \$5,000.00 per incident per day, plus all court costs, including, but not limited to, reasonable attorney's fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

23.4.23. Medical Clinic

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service

(LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- B. All paved areas shall be held to a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or uses.

23.4.24. Military Related Facilities

- A. The minimum lot area of a military related facility shall be twenty (20) acres.
- B. Such uses shall be located at least two hundred (200) feet from any property line adjoining a residential use and at least one hundred (100) feet from any other property line an public right of way as defined by this Chapter.
- C. Side and rear bufferyards shall be a minimum of twenty five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees and shrubs, ornamental grasses and groundcovers.
- D. An inventory of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases and solids shall be updated annually and filed with the local fire department and the West Deer Township 911 service.
- E. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- F. A traffic impact study shall be required to be submitted whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- G. The owner(s) and operator(s) of a military facility shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- H. The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 7:00 A.M. and 9:00 P.M.
- I. The storage of combustible materials shall be limited to thirty (30) feet in height.
- J. All outdoor storage areas and loading areas shall be screened from an adjoining residential lot. Screens shall be a minimum of eight (8) feet in height and shall be constructed as earth berms, landscaped bufferyards

K. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

- A. Gross site area shall be a minimum of five (5) acres.
- B. The minimum yard, area and bulk requirements per mobile home lot, shall be:
 1. front yard twenty-five feet (25')
 2. side yard twelve feet (12')
 3. street side on corner lot twenty-five feet (25')
 4. rear yard twenty-five feet (25')
 5. accessory use three feet (3')
 6. maximum height sixteen feet (16')
- C. Proposed Mobile Home Parks shall comply with all applicable provisions of state laws regulating Mobile Home Parks and all applicable standards and regulations set forth in this Chapter.
- D. Guest parking shall be provided in a common off-street parking area at the ratio of one (1) parking space for every three (3) mobile home lots.
- E. All lots shall be serviced by public sewer and water.
- F. Minimum lot width shall be forty (40) feet for single unit mobile home and sixty five (65) feet for double mobile home units.
- G. All dumpster areas shall be screened from all lots and public rights-of-way. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).
- H. All mobile home parks shall provide sidewalks on both sides of a street (both public and private rights-of-ways).
- I. The ground surface in all parts of each Mobile Home Park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each Mobile Home Park shall be treated in a manner approved by the Commission which will effectively prevent soil erosion and prevent the emanation of dust during dry weather.
- J. Mobile home park lot requirements.
 1. The maximum number of mobile home lots within each Mobile Home Park shall be not more than seven (7) lots per acre of the total area of the Mobile Home Park.

2. The minimum mobile home lot size shall be not less than six thousand (6,000) square feet of area.
 3. All mobile home lots shall abut on a street of the Mobile Home Park internal street system.
- K. A minimum of ten (10) percent of the gross area of the Mobile Home Park shall be provided for recreational space. This recreational space shall be suitable for varied outdoor recreational uses. The Applicant will present assurances related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.
- L. Every Mobile Home Park shall provide a planting screen as per the requirements of Section 21.4.1.
- M. The street system within a Mobile Home Park shall be designed and constructed according to required standards the West Deer Township Zoning Ordinance and the West Deer Township Subdivision and Land Development Ordinance.
- N. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- O. Mobile home lot improvements.
1. Each mobile home lot shall be provided with a permanent frost-free foundation and each lot shall have available adequate provisions, such as anchor bolts and tie-down straps, to assure that each mobile home has available to it a means of securing the home to its site.
 2. Water supply and sewage disposal system connections shall be provided to each Mobile Home lot within a Mobile Home Park.
- P. No mobile home subdivision or land development shall be approved until it has satisfied all applicable ordinances or regulations as identified by West Deer Township.
- Q. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.26. Municipal Administration Facility

- A. Bufferyards between a Municipal Administration Facility and adjacent residential lots or a designated residential zoning district shall be increased by ten (10) feet in width.
- B. Screening between a Municipal Administration Facility and adjacent residential lots or a designated residential zoning district shall be required as per Section 21.4.1 of this Ordinance.
- C. All utilities which service the structure(s) shall be placed underground.
- D. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0.0) footcandle.
- E. Maximum height of outdoor lighting for both parking areas and roadways shall be twenty-five (25) feet.
- F. The proposed use shall be in keeping with the character of the neighborhood and shall not create an undue hardship on surrounding properties.
- G. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.26A. Nursing/Convalescent Care Facility

- A. The minimum site area required for nursing/convalescent care shall be one (1) acre.
- B. The site shall be served by public water and public sewers.
- C. All nursing/convalescent care shall be licensed by the Commonwealth of Pennsylvania.
- D. Water pressure and volume shall be adequate for fire protection and shall be referred to the local fire company for review and comment.
- E. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- F. Nursing/convalescent care facilities shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.

- G. All property lines adjoining an existing residential use or residential district zoning classification shall be screened as per the requirements defined in Section 21.4.1.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.27. Office, Business, >5,000 s.f. and <40,000 s.f.

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- B. Where feasible, no parking shall occur in the front yard.
- C. Parking spaces shall be required to meet the cumulative requirements of the number of offices provided; no less than one (1) space per three hundred and fifty feet (350') of gross floor area (GFA).
- D. All portions of the property not occupied by structures or pavement shall be landscaped and well maintained.
- E. All paved areas shall be held to a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or uses.
- F. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.28. Office, Business, >40,000 s.f.

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- B. Bufferyards between an Office or Business greater than forty thousand (40,000) square feet and adjacent residential lots or a designated residential zoning district shall be increased by ten (10) feet in width.
- C. Screening between a Municipal Administration Facility and adjacent residential lots or a designated residential zoning district shall be required as per Section 21.4.1 of this Ordinance.
- D. Where feasible, no parking shall occur in the front yard.
- E. Parking spaces shall be required to meet the cumulative requirements of the number of offices provided; no less than one (1) space per three hundred and fifty feet (350') of gross floor area (GFA).
- F. All portions of the property not occupied by structures or pavement shall be landscaped and well maintained.
- G. All paved areas shall be held to a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or uses.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.29. Office, Medical

- A. Where feasible, no parking shall occur in the front yard.
- B. Parking spaces shall be required to meet the cumulative requirements of the number of offices provided; no less than one (1) space per three hundred and fifty feet (350') of gross floor area (GFA).
- C. All portions of the property not occupied by structures or pavement shall be landscaped and well maintained.
- D. All paved areas shall be held to a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or uses.
- E. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.30. Parking Areas

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the

Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- B. All paved areas shall be held to a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or uses.
- C. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.31. Personal Services

- A. Parking spaces shall be required to meet the cumulative requirements of the service provided.
- B. All paved areas shall be screened from adjacent residential properties or uses.
- C. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.32. Place of Assembly

- A. The minimum lot area shall be one (1) acre.
- B. A place of assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.
- E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- F. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and

loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

- G. No place of assembly shall be located within the flight path of a runway facility of an airport.
- H. A place of assembly shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to airport's and United States Federal Aviation Administration (FAA) guidelines or standards.
- I. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.33. Place of Worship

- A. The minimum lot area shall be one (1) acre.
- B. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.
- E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- F. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- G. No place of worship's shall be located within the flight path of a runway facility of an airport.

- H. A place of worship shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance with an airport's and United States Federal Aviation Administration (FAA) guidelines or standards.
- I. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.34. Planned Residential Development (PRD)

- A. See Article XVIII

23.4.35. Private Club

- A. A private club serving alcohol shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residence, childcare facility, place of worship or place of assembly.
- B. A private club shall not be established or operated within three hundred (300) feet of an existing bar, nightclub or liquor store.
- C. Swimming pools, outdoor gathering areas, or court game areas, if part of the operation, shall not occupy more than fifteen percent (15%) of the lot, including accessory structures and areas thereto, shall not be closer than 100 feet from the nearest lot line, shall meet all current State Health Department requirements, shall be surrounded by a permanent fence at least six (6) feet in height with secured access, and shall have all flood-lighting shielded from adjacent residential properties or streets.
- D. Access drives shall be located to take maximum advantage of sight distances for motorists, shall be as remote as possible from street intersections.
- E. Parking for all meeting attendees shall be located on the subject lot where the land use occurs.
- F. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- G. All buildings on the lot shall be set back at least thirty (30) feet from side yard lines and shall be no higher than forty-five (45) feet.

23.4.36. Public/Private Works Facility

- A. All equipment supplies, materials and other apparatus shall be properly screened. Screens shall be constructed with an earth berm, landscaped

bufferyard, fence or wall with a minimum height of eight (8) feet in height and with a minimum opacity of eighty (80%) percent.

- B. All property boundaries adjoining an existing residence shall provide a landscaped bufferyard of a minimum of fifteen (15) feet in width. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- C. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- D. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.37. Quadplex

- A. Bufferyards between a quadplex development and adjacent residential lots or a designated residential zoning district shall be increased by ten (10) feet in width.
- B. Screening between a quadplex development and adjacent residential lots or a designated residential zoning district shall be required as per Section 21.4.1.
- C. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- D. The primary vehicular entrance to the quadplex development shall, at a minimum, have direct access to a collector road.
- E. Maximum height of outdoor lighting for both parking areas and roadways shall be twenty (20) feet.
- F. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0.0) footcandle.
- G. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.38. Research and Development

- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Chapter.
- B. A research, testing and development facility shall have one (1) point of ingress and egress to an arterial road.
- C. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

- D. All interior driveways and parking areas shall be paved with a material to reduce dust.
- E. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and filed with the local fire department and the West Deer Township 911 service.
- F. A research testing and development facility shall not be located within the flight path of a runway facility of an airport.
- G. A research, testing and development shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance with an airport's and United States Federal Aviation Administration (FAA) guidelines or standards.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.39. Restaurant: With Drive Thru

- A. The Restaurant With Drive Thru shall have direct ingress/egress to an arterial road or main highway as identified by the Township.
- B. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- C. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- D. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.40. Retail/Business Store >10,000 s.f. and <40,000 s.f.

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.

- C. Setback, screening and buffering of parking and loading areas as well as outdoor common open space shall be provided in accordance with this Ordinance.
- D. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to a maximum of zero (0.0) footcandle when measured from an adjacent property line.
- E. All interior driveways and parking areas shall be paved within a material that reduces dust.
- F. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- G. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.41. Retail/Business Store > 40,000 s.f.

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- C. Setback, screening and buffering of parking and loading areas as well as outdoor common open space shall be provided in accordance with this Ordinance.
- D. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to a maximum of zero (0.0) footcandle when measured from an adjacent property line.
- E. All interior driveways and parking areas shall be paved within a material that reduces dust.
- F. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- G. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.
- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.42. Roadside Stand

- A. A roadside stand shall be a business in accordance with all necessary licensing and regulations.
- B. Parking areas for customers shall be provided such that no parked vehicle is located within the public right-of-way.
- C. A roadside stand shall only operate during daylight hours; therefore, no exterior illumination shall be permitted.
- D. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.43. School, Academic

- A. A public or private school shall not be located within the flight path of a runway facility of an airport.
- B. A public or private school shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airports and United States Federal Aviation Administration (FAA) guidelines or standards.
- C. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.44. Self-Service Storage Facility (mini-warehouse)

- A. The minimum lot area required shall be five (5) acres.
- B. The lot shall have direct ingress/egress to a public collector or arterial road, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is single-family dwellings.
- C. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage and which meets the requirements above.
- D. All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.
- E. All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- F. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- G. Parking shall be provided in accordance with the following requirements:
 - 1. Two (2) spaces for manager's office.

2. One (1) space for each ten (10) storage units equally distributed throughout the storage area.
 3. One (1) space for each twenty-five (25) storage units, which spaces shall be located near the manager's office to be used by prospective clients.
- H. A minimum eight (8) foot fence with a self-latching gate shall be placed on the interior side of each bufferyard.
 - I. The maximum building height shall be twenty (20) feet.
 - J. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eighty (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
 - K. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
 - L. The maximum length of any storage building shall be two hundred (200) feet.
 - M. The maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep and one (1) story and no more than twenty (20) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.
 - N. Maximum lot coverage by all buildings shall be forty percent (40%).
 - O. Individual storage units shall not be equipped with water or sanitary sewer service.
 - P. No business activity other than rental of storage units shall be conducted on the premises.
 - Q. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
 - R. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
 - S. The design of a self-service storage building shall be sealed by an architect.
 - T. No signs shall be placed on the buildings or on their rooftops.
 - U. One (1) freestanding business identification sign shall be permitted which complies with the requirements of this Chapter for the zoning district in which the use is located.
 - V. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the local fire department. Both the landlord and the tenants of the storage buildings shall be

responsible for the prevention of the self service storage of hazardous materials or substances in the storage buildings that would be beyond the allowance of the West Deer Township Fire Codes.

- W. A minimum of one (1) fire hydrant shall be provided on the lot subject to the approval of the number and location of hydrants by the Allegheny County Fire Marshall, and the facility shall comply with all local fire codes.
- X. The owner(s) and operator(s) of a self-service storage facility shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- Y. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.45. Social Clubs

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- B. A social club shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residence, day care facility, place of worship or place of assembly.
- C. All structures, including accessory, shall be no closer than fifty feet (50') from any property line.
- D. A social club shall not be established or operated within three hundred (300) feet of an existing bar, nightclub or liquor store.
- E. A social club's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- F. Outdoor sound systems shall not be permitted.
- G. All parking and service areas shall be located to the rear of the lot and properly screened as per Section 21.4.1 of this Ordinance.

- H. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.46. Social Services

- A. A social service agency shall not be located within the flight path of a runway facility of an airport.
- B. A social service agency shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.47. Tavern/Bar

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- B. A Tavern/Bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- C. Tavern/Bar hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- D. The owner(s) and operator(s) of a Tavern/Bar shall be responsible for the conduct and safety of the patrons.
- E. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.
- F. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.48. Townhome

- A. Bufferyards between a townhome development and adjacent residential lots shall be increased by ten (10) feet in width.

- B. Screening between a townhome development and adjacent residential lots or a designated residential zoning district shall be required as per Section 21.4.1.
- C. The primary vehicular entrance to the townhome development shall, at a minimum, have direct access to a collector road.
- D. Maximum height of outdoor lighting for both parking areas and roadways shall be twenty (20) feet in residential districts and twenty-five (25) feet in non-residential districts.
- E. The landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0.0) footcandle.
- F. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.49. Veterinary Services

- A. No outdoor pens, kennels or runs shall be constructed or provided.
- B. Noise shall not exceed the levels deemed acceptable by the performance standards of this Chapter.
- C. Hours of operation shall be limited to between 8:00 A.M and 8:00 P.M.
- D. Parking areas for veterinary services located within a Village district and not adjacent to an arterial road shall be limited to a maximum of ten (10) parking spaces.
- E. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.50. Warehouse/Distribution Center

- A. A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- B. Warehouses should be located adjacent to an arterial road or main highway as identified by the Township.

- C. No idling of motors or engines shall be permitted between the hours of 9:00 p.m. and 7:00 a.m.
- D. All structures shall be separated by at least fifty feet (50').
- E. All operations shall be entirely within an enclosed structure.
- F. Outdoor storage of foods shall not be permitted.
- G. Loading and/or outdoor storage areas shall not be visible from a public right of way or an adjacent residence. A landscaped bufferyard with a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Bufferyards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- H. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- I. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from dust and other disturbances.
- J. The landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0.0) footcandle.
- K. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

ARTICLE XXIV

ZONING HEARING BOARD

Section 24.1 CREATION AND APPOINTMENT

A Zoning Hearing Board is hereby created. The membership of the Board shall consist of five (5) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be as defined by the Township and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.

Section 24.2 REMOVAL OF MEMBERS

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 24.3 ORGANIZATION OF ZONING HEARING BOARD

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

Section 24.4 POWERS AND DUTIES

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- 24.4.1 Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §609.1 and 916.1(a) (2) of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P. S. §10609.1, 10916.1.

- 24.4.2. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- 24.4.3. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- 24.4.4. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P. S. §10910.2.
- 24.4.5. Applications for special exception under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P. S. §10912.1.
- 24.4.6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
- 24.4.7. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P. S. §10916.2.
- 24.4.8. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P. S. §10501 et seq., 10701 et seq.

Section 24.5 FUNCTIONS OF THE BOARD

- 24.5.1. Variances
 - A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.
 - B. Variance from the terms of this Ordinance shall not be granted by the Board unless a written application for a variance is submitted to the Secretary of the Board demonstrating that:
 - 1. There are unique physical circumstances or conditions including but not limited to irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood in which the property is located;

2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. Such unnecessary hardship has not been created by the appellant;
 4. The variance, if authorized, will not alter the essential character of the neighborhood in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and
 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C. Notices for hearings at which variances are to be considered shall be sent by mail not more than thirty (30) days or less than seven (7) days prior to the hearing to all owners of record of property within three hundred feet (300') of the boundaries of the property for which the variance is sought, and notice shall be posted on the property for which variance is sought and at the West Deer Township Municipal Building at least ten (10) days prior to the hearing.
 - D. If the Board finds in favor of the appellant, it may prescribe appropriate conditions and safeguards deemed necessary to implement the purposes and intent of this Ordinance and the Comprehensive Plan of West Deer Township.
 - E. The Board shall prescribe a time limit, consistent with the nature of the variance granted and the conditions surrounding the property, within which the action for which the variance is granted shall be begun and completed. Failure to comply with the time limits shall render the variance void.

Section 24.6 PROCEDURE FOR APPEAL

The procedure of the Zoning Hearing Board shall be governed by the provisions of applicable laws of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, and such rules not inconsistent therewith, as the Board may adopt. In general the procedure for appeal from action of the Zoning Officer shall be as follows:

- 24.6.1. Any appeal from the requirements of the Zoning Ordinance shall be taken by filing with the Officer from whom the appeal is taken and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all of the documentary material constituting the record upon which the action appealed was taken.

- 24.6.2. The appellant shall, at the time of filing his appeal, pay the enforcing officer a fee as determined by the Board of Supervisors to defray, or help defray, the cost of the required advertising.
- 24.6.3. Each appeal shall be tried on its merits at a public hearing. Notice of such appeal shall be given by publishing in a newspaper of general circulation in the Township and in accordance with the applicable law. The Board shall give the additional notice required by law to all parties in interest, and they may adjourn any hearing for the purposes of giving such further notice.
- 24.6.4. The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- 24.6.5. The Board shall decide each appeal within a reasonable time, and notice thereof shall be given to all parties in interest. The Board's decision shall be immediately filed in its office upon such appeals or upon exceptions, the Board may in conformity with law, reverse or affirm wholly or partly, or modify the order, requirement, decision or determination as in its opinion ought to be made.
- 24.6.6. Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from to the Court of Common Pleas as provided by law.

ARTICLE XXV

AMENDMENTS

Section 25.1 PERMITTED CHANGES

Whenever the public necessity, convenience or general welfare indicates, the Board of Supervisors may, by Ordinance in accordance with applicable laws of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, supplement or change the regulations, restrictions, boundaries or classifications of buildings, structures and land, as the same are established by this Ordinance, or may hereafter be made a part thereof.

Section 25.2 APPLICATIONS OR PETITIONS

Applications or petitions for any change or amendments to existing zoning districts in the Township shall be made to the office of the Zoning Officer and shall be accompanied by a fee as determined by the Board of Supervisors payable to the Township Secretary and shall be deposited in the General Fund. This fee is for the purpose of defraying costs of preparing the necessary plats, maps, data, legislations and notices and all official publications required by the Township and shall not be refundable even though the application is disapproved by the Board of Supervisors.

Section 25.3 AMENDMENT BY BOARD OF SUPERVISORS

The Board of Supervisors may from time to time on its own motion or petition, after public notice and public hearing, amend the regulations and districts herein established, but no amendment as prepared by other than the Board of Supervisors shall become effective unless the same shall have first been submitted to the West Deer Township Planning Commission and Allegheny County for comments, and following the requirements of the MPC, Section 609:

1. MPC Section 609 requires a public hearing pursuant to public notice.
2. If an amendment involves a zoning map change, the public hearing notice must be posted by the Township on the property that is the subject of the map amendment at least one (1) week prior to the date of the public hearing.
3. In addition, if there is a zoning map change that is not part of a comprehensive rezoning, notice of the public hearing must be mailed by the Township at least 30 days before the date of the hearing to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned.
4. Any amendment not prepared by the local Planning Commission must be sent to the Planning Commission for review at least 30 days before the public hearing. This includes amendments prepared by the Board of Supervisors.
5. MPC 303 (a)(3) and (b) requires that the Planning Commission recommendation be in writing and include a specific statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted comprehensive plan. The recommendation is to be made within 45 days. Note that the Planning

Commission makes recommendations and does not approve or disapprove a proposed amendment.

6. Zoning amendments must be sent to the Allegheny County Planning Agency for review at least 30 days prior to the public hearing and shall make a recommendation to the Board of Supervisors within 45 days and the proposed action shall not be taken until such recommendation is made or until the planning agency fails to act within 45 days. The county planning agency makes recommendations and does not approve or disapprove a proposed amendment.
7. Within 30 days after enactment, a copy of the amendment must be forwarded to the county planning agency.

Section 25.4 PROCEDURE FOR LANDOWNER CURATIVE AMENDMENTS

- 25.4.1 A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended. The Township Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided for in this Article. The curative amendment and challenge shall be referred to the Planning Commission or agencies as provided in Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, and notice of the hearing thereon shall be given as provided in Section 610 and 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.
- 25.4.2. If West Deer Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- 25.4.3. Where West Deer Township has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or it may adopt an alternative amendment which will cure the challenged defects. The Township Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing

housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provision of the ordinance or map;

- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

Section 25.5 PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS

- 25.5.1. If West Deer Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:
 - A. West Deer Township shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Township Board of Supervisors shall:
 - 1. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - a. Reference to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. Reference to a class of use or uses which require revision; or
 - c. Reference to the entire ordinance which requires revisions.
 - B. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- 25.5.2 Within one hundred and eighty (180) days from the date of the declaration and proposal, West Deer Township shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, in order to cure the declared invalidity of the Zoning Ordinance.
- 25.5.3. Upon the initiation of the procedures, as set forth in clause 25.5.1, the Township Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and

amended, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause 25.5.1.. Upon completion of the procedures as set forth in clauses 25.5.2 and 25.5.3, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

- 25.5.4. West Deer Township, having utilized the procedures as set forth in clauses 25.5.2 and 25.5.3, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to clause 25.5.2; provided, however, if after the date of the declaration and proposal there is a substantially new duty or obligation imposed upon West Deer Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, West Deer Township may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

ARTICLE XXVI

VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

ARTICLE XXVII

INTERPRETATION, PURPOSE AND CONFLICT

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Township of West Deer. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of building or premises, or upon the height of a building or requires larger open spaces than are imposed by other such rules, regulations or ordinances the provisions of this Ordinance shall prevail.

ARTICLE XXVIII

REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land use in violation of this Ordinance or prior laws, the Township Board of Supervisors, or an officer of the Township, with the approval of the Board of Supervisors, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such violation, structure or land, or to prevent, in or about such premises any act, conduct, or use constituting a violation.

ARTICLE XXIX

PENALTIES

Section 29.1 PENALTIES

- 29.1.1. Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays, nor timely appeals the judgment, the 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 Ordinance, to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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 Ordinance shall be paid over to the Township.
- 29.1.2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and judgment.
- 29.1.3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Township, the right to commence any action for enforcement pursuant to this Section.

ARTICLE XXX

EFFECTIVE DATE

Section 30.1 EFFECTIVE DATE

This Ordinance shall take effect and be in full force September 8, 2012 , as amended, which is ten (10) days after the final passage.

Section 30.2 ZONING MAP

The Zoning Map of the Township of West Deer is incorporated herein and shall be amended with each change.

ORDAINED AND ENACTED INTO LAW THIS 29 DAY OF August, 2012.

ATTEST:

TOWNSHIP OF WEST DEER

Daniel J. Mator, Jr.
Township Manager

Shirley Hollibaugh, Chairwoman
Board of Supervisors

Approved as to form:

Township Solicitor