

Chapter 27

ZONING

Part 1 GENERAL PROVISIONS

§ 27-101. Title. [Ord. 2010-1, 1/18/2010]

The official title of this Chapter shall be the "Zoning Ordinance of the Township of Sandy."

§ 27-102. Purpose and Authority. [Ord. 2010-1, 1/18/2010]

This Chapter is adopted by virtue of the authority granted to the Township under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as further amended.¹ The provisions of this Chapter are designed:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. To preserve prime agricultural operations and farmland, considering topography, soil type and classification, and present use.
4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 27-103. Community Development Objectives. [Ord. 2010-1, 1/18/2010]

The zoning regulations and districts set forth in this Chapter are made in accordance with a

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

comprehensive plan for the general welfare of the Township and are intended for the following purposes:

1. This Chapter is for the purpose of promoting public health, safety, morals, convenience, comfort, amenities, prosperity and general welfare of the community and of a wholesome, serviceable and attractive Township, by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that provide for a more uniformly just land use pattern and tax assessment basis; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, parkways, recreation, schools, public buildings, light, air, sanitation, and other public requirements; that lessen congestion, disorder and danger which often inhere in unregulated municipal development; that prevent overcrowding of land and undue concentration of the populace; and that provide more reasonable and serviceable means and methods of protecting and safe-guarding the economic structure upon which the good of all depends.
2. This Chapter will provide a reasonable opportunity expansion for the DuBois Regional Medical Center on specified land in Sandy Township. This action is being taken because of the public service the hospital provides Sandy Township and the region with needed primary care.
3. Agricultural Operations and Prime Agricultural Lands.
 - A. To encourage the protection, preservation and enhancement of prime agricultural lands, agricultural operations are permitted in the traditional farming areas of the Township, without restriction, unless the agricultural operation will have a direct adverse effect on the public health and safety or is violative of the provisions of any ordinance or law. Additionally, the Township urges citizens concerned with the preservation of prime agricultural lands to petition for the creation of agricultural security areas.
 - B. Natural Resources. It is the intent of this subsection to allow for the wise development of the Township consistent with the need to protect our natural resources. Developers are reminded to comply with floodplain and wetland restrictions, along with other environmental restrictions.
4. This Chapter is also intended to preserve the existing Treasure Lake Planned Residential Development.
5. These are made with reasonable consideration of, among other things, the existing character of the various areas within the Township and their respective suitability for particular uses.
6. To implement the Northwest Clearfield County Region Comprehensive Plan.

§ 27-104. Compliance. [Ord. 2010-1, 1/18/2010]

1. No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used,

except in full compliance with all the provisions of this Chapter, and after the lawful issuance of all permits and certifications required by this Chapter, except that the Township of Sandy will be exempt from the provisions of this Chapter in the exercise of its municipal functions.

2. Whenever in any district established under this Chapter a use is not specifically permitted within any district of the Township, and an application is made by the property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use (see also § 27-306).
3. Developers are reminded of their obligation to conform to all regulations of Sandy Township. The Township's Subdivision Regulation (Chapter 22), Floodplain Ordinance (Chapter 8) and Sign Ordinance (Chapter 19) are among such regulations.

§ 27-105. Interpretation of Regulations. [Ord. 2010-1, 1/18/2010]

Whenever the provisions of this Chapter are at variance with any other lawfully adopted rules, regulations, or ordinances the more restrictive requirements shall govern.

**Part 2
DEFINITIONS**

§ 27-201. Interpretation. [Ord. 2010-1, 1/18/2010]

For the purpose of this Chapter, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for"; "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Chapter or the Pennsylvania Municipalities Planning Code, all words and phrases shall have their normal meanings and usage.

§ 27-202. Specific Terms. [Ord. 2010-1, 1/18/2010; as amended by Ord. No. 2018-2, 3/5/2018]

The following words and phrases shall have the meanings given in this Section.

85TH PERCENTILE SPEED — The speed, in miles per hour, which is exceeded by only 15% of the drivers traveling on a section of highway.

95TH PERCENTILE QUEUE LENGTH — The queue exceeded at some point during 5% of the signal cycles.

ACCESS — A driveway, street, or other means of passage of vehicles between the highway and abutting property, including acceleration and deceleration lanes and such drainage structures, as may be necessary for proper construction and maintenance thereof (67 PA Code Chapter 441).

ACCESSORY STRUCTURE — A subordinate structure, incidental to, and located on the same

lot as, the principal building and used for an accessory use.

ACCESSORY USE — A use incidental to and subordinate to and located on the same lot occupied by the principal use to which it relates.

ADULT MATERIALS — Adult materials shall include, but are not limited to, any literature, books, magazines, pamphlets, newspapers, papers, comic books, drawings, articles, computer or other images, motion pictures, mechanical devices, instruments, clothing or any other writing, materials or accessories that are distinguished or characterized by their emphasis on matter depicted, described or related to "specified sexual acts" or "specified anatomical areas," as defined herein, or an establishment with a segment or section exclusively devoted to the sale, lease, gift, trade, display of such materials or of any drug paraphernalia.

ADULT-ORIENTED BUSINESS — Use of a building, structure or property, or part thereof, for a business that has adult materials in a section or segment devoted to such materials or as substantial or significant portion of its stock-in-trade for the purposes of sale, lease, trade, gift or display of such adult materials. For the purposes of this Chapter, adult oriented businesses shall also mean and include any massage parlor, night-club, bar, tavern, restaurant, eating and drinking establishment, arcade, theater, motel, hotel or any other establishment that regularly features, for economic gain or other consideration, entertainment in any form that is characterized by nudity or the depiction or display of sexual activities.

AGRICULTURAL OPERATION — An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALLEY — A strip of land over which there is a public right-of-way and which is designed to serve as secondary access to two or more lots.

APPLICANT (MPC) — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT (MPC) — Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AUTO SALVAGE YARDS — An establishment that stores, cuts up, disassembles, compresses, or otherwise disposes of motor vehicles and which may also store and sell salvaged auto parts.

AUXILIARY LANE — The portion of the roadway adjoining the through lane that is used for speed change, turning, storage for turning, deceleration, acceleration, weaving, and other purposes supplementary to through traffic movement.

AVERAGE DAILY TRAFFIC (ADT) — The total volume of traffic during a number of whole days (more than one day) and less than one year divided by the number of days in the period.

BASEMENT — A story or portion of a story partly below the average grade of the surrounding ground with at least 1/2 of its height (measured from floor to ceiling) below the average grade level of the surrounding ground.

BED-AND-BREAKFAST — A residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

BOARD — The Board of Township Supervisors of the Township of Sandy. See also "Zoning Hearing Board."

BOARDINGHOUSE — See the definition of "rooming house."

BUILDING — A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

CEMETERIES — Property used for interring the dead and meeting the regulations of the Commonwealth of Pennsylvania.

CHURCH — A place of assembly used for congregate religious services and worship. Accessory uses, such as educational and recreational facilities for the use of church members, are permitted.

CLUBS AND LODGES — A group of people organized for a common purpose and usually characterized by certain membership qualifications, the payment of dues, a constitution and regular meetings.

COMMERCIAL AMUSEMENT (INDOOR) — A facility which offers various indoor recreational opportunities for its patrons, including such games as pool, billiards, bowling, video games and similar pursuits.

COMMERCIAL OUTDOOR RECREATION — Any commercial outdoor recreational activity not regulated otherwise by this Chapter.

COMMISSION — The Sandy Township, Clearfield County, Planning Commission.

COMMON OPEN SPACE (MPC) — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

CONDITIONAL USE — A use to be allowed or denied by the Board of Supervisors pursuant to the express standards and criteria set forth in this Chapter. Prior to considering such a use, it will be referred to the Sandy Township Planning Commission for its review and comment. Said use shall be considered after public notice and hearing. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Planning Code and of this Chapter.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Generally, condominiums will be treated as multifamily uses.

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

CONTINUING LIFE CARE DEVELOPMENT — An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide life-long care in exchange for the payment of monthly fees.

CONTRACTOR'S YARD — A yard used by contractors to store equipment, vehicles and material.

CONVENIENCE STORE — A retail establishment of limited size, designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel or propane).

COUNTY — Clearfield County, Pennsylvania.

DAY CARE SERVICES (DAY CARE) — Provides out-of-home care for part of a twenty-four-hour-day to children under 16 years of age, or adults requiring such care, excluding care provided by relatives and excluding day care furnished in places of worship during religious services.

1. This Chapter identifies three levels of day care services:
 - A. **FAMILY DAY CARE HOMES** – Facilities in which day care is provided at any one time to four, five, or six children who are not relatives of the care-giver.
 - B. **GROUP DAY CARE HOMES²** – Facilities in which care is provided for more than six but less than 12 persons, at any one time.
 - C. **DAY CARE CENTERS³** – Facilities in which care is provided for seven or more children, at any one time, where the care areas are not used as a family residence.
2. Day care for less than four persons will not be considered as day care services.

DECISION (MPC) — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the Township lies.

DEP — The Pennsylvania Department of Environmental Protection or its successor or assign.

DESIGN SPEED — The maximum safe speed that can be maintained over a section of roadway when conditions are so favorable that the design features of the road govern.

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

1. The Township Supervisors.
2. The Zoning Hearing Board.

2. Where there are seven or more children cared for at a facility, its classification will be determined by the State license.

3. Where there are seven or more children cared for at a facility, its classification will be determined by the State license.

3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER (MPC) — Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

DRIVEWAY — Every entrance or exit used by vehicular traffic to or from properties abutting a highway. The term includes proposed streets, lanes, alleys, courts, and ways (67 PA Code Chapter 441).

DWELLING — A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel," "rooming house" or "tourist home."

1. **SINGLE-FAMILY DWELLING** – A building containing only one dwelling unit.
2. **TWO-FAMILY DWELLING** – A building containing two dwelling units.
3. **MULTIFAMILY DWELLING** – A building containing three or more dwelling units, including apartment houses, townhouses and garden apartments. This definition is intended to include various types of ownership, including, but not limited to, condominiums and single-ownership developments.

DWELLING UNIT — A building or portion thereof containing one or more rooms for living purposes, together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one family.

EGRESS — The exit of vehicular traffic from abutting properties to a street.

ELDER COTTAGE — Small, separate, manufactured, relocatable residences that are placed on the side or rear yard of a family home for occupancy by a qualified occupant who is an older family member. The cottage offers autonomy for its occupant along with easy access to the host family who can provide assistance. When no longer needed, the cottage is removed from the property.

ESSENTIAL SERVICES — Services and utilities needed for the health, safety and general welfare of the community such as underground, surface or overhead electrical, gas, telephone, cable, steam, sewerage and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

FAMILY — A family consists of a householder (homeowner/renter/leaseholder) and one or

more persons living in the same household who are related to the householder by birth, marriage, blood or adoption. A family can also consist of a non-family household comprised of four persons or less sharing a dwelling unit who are not related by birth, marriage, blood or adoption. Households qualified as group homes are not restricted by this definition.

FLOOR AREA — The sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the center line of the walls separating two buildings.

FORESTRY — The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRATERNITY HOUSE — A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and officially recognized as a fraternity by the associated college or university.

FULL CUTOFF — Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full cutoff luminaire, by definition, also is "fully shielded."

FULLY SHIELDED — See definition of "full cutoff."

FUNCTIONAL AREA — The area beyond the physical intersection of two controlled access facilities that comprises decision and maneuver distance, and the required vehicle storage lengths.

GARAGE, PRIVATE — An accessory building used only for storage purposes, either attached to the principal building or separate.

GROUP HOME — The coming together of more than four handicapped persons, as described by the ADA and/or Fair Housing regulations, not related by blood, marriage or adoption in a single dwelling unit which provides the physical and social needs normal to a residence and whose management is under the direction of a public or semipublic institution operating in pursuit of its objectives.

HEARING (MPC) — An administrative proceeding conducted by a board pursuant to § 909.1 of the Pennsylvania Municipalities Planning Code.

HEIGHT OF BUILDING — The vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

HIGH-VOLUME DRIVEWAY — A driveway used or expected to be used by more than 1,500 vehicles per day (67 PA Code Chapter 441).

HIGHWAY, ROADS, OR STREETS — Any highways, roads, or streets identified on the legally adopted municipal street or highway plan or the Official Map that carry vehicular traffic, together with all necessary appurtenances, including bridges, rights-of-way and traffic control improvements. The term shall not include the Interstate Highway System.

HOME OCCUPATION — Any business use customarily carried on entirely within a dwelling by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Home occupations are divided into two categories:

1. A no-impact home-based business must conform to the requirements listed in § 27-416. No-impact home-based business shall be a permitted use in all residential zoning areas.
2. Other home occupations must conform to the requirements listed in § 27-308.2S.

HOME OFFICE — See definition of "no-impact home-based business."

HOUSEHOLD — See definition of "family."

HUB HEIGHT — The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

INGRESS — The entrance of vehicular traffic abutting properties from a street.

INTERCHANGE — A grade-separated system of access to and from highways that includes directional ramps for access to and from the crossroads.

INTERNAL TRIPS — Site-generated trips that occur between two or more land uses on the subject site without exiting onto the intersecting street.

ITE MANUAL — The Institute of Transportation Engineers report "Trip Generation," the most recent edition.

KENNEL — The keeping of four or more dogs or small animals over four months of age or any facilities identified as a kennel by the laws or regulations of Pennsylvania.

LEVEL OF SERVICE (LOS) — A qualitative measure describing the operational conditions within a section of roadway or at an intersection that includes factors such as speed, travel time, ability to maneuver, traffic interruptions, delay, and driver comfort. Level of service is described as a letter grade system (similar to a school grading system) where delay (in seconds) is equivalent to a certain letter grade from A through F.

LOCAL ROAD — Every public highway other than a state highway. The term includes existing streets, lanes, alleys, courts, and ways (67 PA Code Chapter 441).

LOT (MPC) — A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

LOT COVERAGE — The percent of the total lot area that is covered by structure(s).

LOT LINE — Any line dividing a lot from another lot or from an abutting street or other right-of-way.

LOT, CORNER — A lot at the point of intersection of and abutting on two or more intersecting streets, where the interior angle so formed is less than 135°.

LOW-VOLUME DRIVEWAY — A driveway used or expected to be used by more than 25 but less than 750 vehicles per day (67 PA Code Chapter 441).

MANUFACTURING, LIGHT — The assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within 400 feet.

MEDICAL CLINIC — An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists or other medical personnel and where patients are not lodged overnight.

MEDIUM-VOLUME DRIVEWAY — A driveway used or expected to be used by more than 750 but less than 1,500 vehicles per day (67 PA Code Chapter 441).

MINI-STORAGE FACILITY — A structure or structures containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

MINIMUM-USE DRIVEWAY — A residential or other driveway that is used or expected to be used by not more than 25 vehicles per day (67 PA Code Chapter 441).

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

MOBILE HOME LOT (MPC) — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

MOTEL — A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, hotel, motor courts, motor inns, motor lodges or roadside hotels.

MUNICIPAL AUTHORITY (MPC) — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

NEC — Not elsewhere classified.

NO-IMPACT HOME-BASED BUSINESS (MPC) — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy and must conform to the requirements listed in § 27-416.

NONCONFORMING LOT (MPC) — A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter but which fails to conform to the requirements of the

zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE (MPC) — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation.

NONCONFORMING USE (MPC) — A use, whether of land or structure, which does not comply with the applicable use provisions of this Chapter or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation.

NONPARTICIPATING LANDOWNER — Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

NUDITY — The showing of the human male or female genitals, pubic area, buttocks or anus, any part of the nipple or any part of a female breast below a point immediately above the top of the areola with less than a fully opaque covering.

OFF-SITE IMPROVEMENTS — Those public capital improvements that are not on-site improvements and that serve the needs of more than one development.

ON-SITE IMPROVEMENTS — All improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for ingress and egress to the applicant's property, and required to be constructed by the applicant pursuant to any municipal ordinance, including, but not limited to, the municipal code, subdivision and land development ordinance, planned residential development regulations, and zoning ordinance.

OUTDOOR RECREATION — These particular uses include, but are not limited to, firearm and skeet shooting facilities, all-terrain vehicle trails, motorcycle or motorbike trails or racing facilities, motor speedways (including "drag strips"), and related or similar operations.

OUTPARCEL — A lot that is adjacent to the roadway that interrupts the frontage of another lot.

PARKING LOT OR GARAGE, COMMERCIAL — A lot or structure whose principal use is the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility vehicles or the dead storage of motor vehicles.

PARKING SPACE — An open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least 18 feet and a uniform width of at least nine feet for the storage of one automobile and accessible from a public way.

PERMITTED USES — Any use allowed in a district, which use is subject only to the general restrictions of this Chapter.

PERSONAL CARE HOME — Facilities which offer food, shelter and personal assistance for a period of more than 24 consecutive hours for four or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care.

PERSONAL SERVICES — Establishments primarily engaged in providing services involving the care of a person or his/her personal goods or apparel.

PLANNED RESIDENTIAL DEVELOPMENT (MPC) — 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 this Chapter.

PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act No. 170 of 1988, and as further amended from time to time.⁴

PREEXISTING DRIVEWAY — Permitted driveways in place at the time of the adoption of this Chapter that do not conform to the standards herein.

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

PROFESSIONAL OFFICE — The office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.

PUBLIC BUILDING — Any building, structure, facility or complex used by Sandy Township or an agency or authority thereof.

PUBLIC GROUNDS (MPC) — Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING (MPC) — A formal meeting held pursuant to public notice by the Township Supervisors or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this Chapter.

PUBLIC MEETING (MPC) — A forum held pursuant to notice under the Act of June 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§ 271 et seq.

PUBLIC NOTICE (MPC) — A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. [See also Act 1984-164, § 5914(a).]

PUBLIC PARKS AND PLAYGROUNDS — Parks and playgrounds which are owned and

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

operated by the Township of Sandy or by an authority created for such purposes by the Township of Sandy.

PUBLIC UTILITY — An enterprise regulated by the Pennsylvania Public Utility Commission or an activity offered by an authority or a municipally owned agency which renders a public service deemed necessary for public health, safety and welfare but excluding police, fire and similar emergency services.

QUARRY, SANDPIT, GRAVEL PIT, TOPSOIL STRIPPING — A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

REPORT (MPC) — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a Solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RETAIL BUSINESS — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY — An area of land, measured from the center line of the cartway, that can be used by the public for travel and the location of utilities.

RIGHT-OF-WAY PRESERVATION — The acquisition of an area of land, through dedication or easement, needed to accommodate the future widening of the roadway.

ROAD IMPROVEMENT — The construction, enlargement, expansion, or improvement of public highways, roads, or streets.

ROOMING HOUSE — A dwelling having three or more sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boardinghouse."

SCHOOLS — Any building, or part thereof, used for educational service, such services regulated by the Pennsylvania Department of Education.

SCRAP RECYCLING AND SALVAGE YARD — A facility that separates or classifies municipal or residual solid waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw material. This term does not include auto salvage yards.

SCREEN PLANTING — An evergreen hedge at least six feet high, planted in such a way that it will block a line of sight. The screening may consist of either one or multiple rows of bushes or trees and shall be at least four feet wide.

SCREENING — A fence, screen planting or wall at least six feet high, provided in such a way

that it will block a line of sight.

SEASONAL DWELLING — A single-family dwelling used for seasonal/vacation purposes.

SERVICE STATION — The retail, sale and dispensing of vehicular fuels, auto servicing, the accessory sale of lubricants, tires, batteries and similar accessories.

SETBACKS — The minimum distance from the street right-of-way line to the lot line that establishes the area within which no structure can be erected.

SHOPPING CENTER — A grouping of retail business and service uses on a single site with common parking facilities. This term will also include a single retail operation where the gross floor area is 30,000 square feet or more.

SIGN — See Part 9 of this Chapter.

SIGNAL PROGRESSION — The timing of a series of traffic signals to provide a progressive movement of traffic at a planned rate of speed through the signalized intersections without stopping.

SORORITY HOUSE — A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and officially recognized as a sorority by the associated college or university.

SPECIAL EXCEPTION — A use to be permitted or denied by the Sandy Township Zoning Hearing Board in accordance with the criteria forth by this Chapter and the Pennsylvania Municipalities Planning Code.

STOPPING SIGHT DISTANCE — The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

STORAGE LENGTH — Lane footage needed for a right or left turn lane to store the maximum number of vehicles likely to accumulate during a peak period of travel.

STORY — That portion of a building located between the surface of any floor and the next floor above; if there is not more than one floor the space between any floor and the ceiling next above it shall be considered a story.

STREET — A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

STREET LINE — A line defining the right-of-way boundaries of a street.

STRUCTURE (MPC) — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of surrounding ground, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

TAPER — The widening of the roadway to allow the redirection or transition of vehicles into or around an auxiliary lane.

TOWNHOUSE — A multifamily dwelling consisting of three or more dwelling units that are attached side by side by an unpierced party wall.

TOWNSHIP — The Township of Sandy, Clearfield County, Pennsylvania.

TOWNSHIP SUPERVISORS — The Sandy Township, Clearfield County, Board of Supervisors.

TRANSIENT TRAILER PARK — Any lot or parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

TRANSPORTATION SERVICES — Establishments primarily engaged in furnishing passenger and vehicular transportation, including taxicabs, bus services (including school buses), as well as auto and truck rental. Such services include vehicle storage areas, offices, service and terminal facilities.

TRIP — A one-directional vehicular trip to or from a site.

TRIP GENERATION — The total number of vehicular trips going to and from a particular land use on a specific site during a specific time period.

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

UCC — The Uniform Construction Code of Pennsylvania.

ULTIMATE RIGHT-OF-WAY — An area of land beyond the legal or dedicated right-of-way needed to accommodate future widening of the roadway, measured from the center line.

VARIANCE (MPC) — Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

WATER SURVEY (MPC) — An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.

WIND ENERGY FACILITY — An electric generation facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include stand-alone wind turbines constructed primarily for individual residential or farm use.

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

YARD — An open space that lies between a building or buildings and the nearest lot line. The minimum required yard set forth in this Chapter is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Zoning Ordinance.

YARD LINE — A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

YARD, FRONT — A yard between the front lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

YARD, REAR — A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

YARD, SIDE — An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

ZONING HEARING BOARD — The Zoning Hearing Board of the Township of Sandy, Clearfield County, Pennsylvania.

ZONING OFFICER — The Zoning Officer of the Township of Sandy, or his authorized representative.

Part 3 District Regulations

§ 27-301. Zoning Map. [Ord. 2010-1, 1/18/2010]

A map entitled the "Township of Sandy Zoning Map" is hereby adopted as part of this Chapter. The Zoning Map shall be kept on file and be available for examination at the Township offices.⁵

§ 27-302. Zoning Districts. [Ord. 2010-1, 1/18/2010]

1. The Township is divided into the districts set forth by this Chapter and as shown by the district boundaries on the Zoning Map. The districts are:

R-U Residential Urban Districts. This district is primarily designed to allow single-family dwellings and related compatible uses.

R-A Residential Agricultural Operations Districts. These zones are designed to accommodate agricultural operations, low-density residential, residential related uses, as well as other activities.

R-1 Residential District, High Density. These zones are designed to principally accommodate single-family residential uses in a high-density urban environment as well as to allow complementary uses.

C Commercial District. The purpose of this district is to allow for the orderly growth and development of commercial uses in the Township. This zone is also designed for older, more intensely developed areas in the Township.

C-HLI Commercial-Light Industrial Highway District. The purpose of this district is to allow for

5. Editor's Note: A copy of the Zoning Map is included at the end of this Chapter.

the orderly growth and development of commercial and light commercial uses in the Township, along its major highways.

- I Industrial District. This district is designed to allow a wide variety of industrial and related uses with a minimum of regulations.
- INT Institutional District. The purpose of this district is to accommodate the DuBois Regional Medical Center and related uses as well as the activities of other institutions (schools, nursing homes, etc.).
- CON Conservation and Recreation District. This district is intended to accommodate a variety of open space, recreational, and conservation uses, along with low density residential both year round and seasonal.
- PRD Planned Residential Development District. The planned residential district encompasses the Planned Residential District of Treasure Lake. As such, development within that district is subject to the rules and regulations of the Treasure Lake development and the provisions of the Pennsylvania Municipalities Planning Code and Part 8 of this Chapter. Other PRDs may be added in future years.

- 2. Special Note: See also the Sandy Township Floodplain Ordinance (Chapter 8).

§ 27-303. Annexed Areas.

Any territory hereafter annexed by the Township of Sandy will be automatically zoned R-A, until otherwise classified by the Township.

§ 27-304. District Boundaries. [Ord. 2010-1, 1/18/2010]

- 1. District boundaries that are shown between the lines of streets, streams, and transportation rights-of-way shall be deemed to follow the center line. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location by a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Chapter.
- 2. When a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the regulations as to the use in a less restricted district shall extend over the portion of the lot in the more restricted district, a distance of not more than 100 feet beyond the district boundary line.

§ 27-305. Zoning District Changes. [Ord. 2010-1, 1/18/2010]

All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

§ 27-306. Use Categories. [Ord. 2010-1, 1/18/2010]

1. The permitted uses, conditional uses and special exceptions for each district are shown in the following table (Table 306⁶) and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Supervisors after the recommendation of the Planning Commission and in accordance with the provisions of this Chapter. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Chapter. In granting a conditional use or special exception, the Board of Supervisors or the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Chapter and protect the neighborhood.
2. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Part 2. Only one principal use and one principal building per lot is permitted in any R District with the exception that multiple principal uses and buildings shall be allowed where specifically permitted in other sections of this Chapter.
3. Where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed therein, the Zoning Officer shall refer the request to the Zoning Hearing Board. The Zoning Hearing Board shall review the request and shall approve or deny the request based upon:
 - A. The purpose and intent of this Chapter.
 - B. The similarity of the use to the listed uses and intent of the district.
4. Certain permitted uses have conditions attached to them as denoted by a citation seen next to them. They will be granted or denied by the Zoning Officer in strict conformance with this Chapter. However, the Zoning Officer shall not have the authority to impose any additional conditions.

§ 27-307. Lot, Yard and Height Regulations. [Ord. 2010-1, 1/18/2010]

The minimum lot area, minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as specified in Table 307.⁷

§ 27-308. Conditional Uses and Special Exceptions. [Ord. 2010-1, 1/18/2010; as amended by Ord. No. 2018-2, 3/5/2018]

1. Applications for conditional uses and special exceptions shall be made to the Zoning Officer. Conditional uses are to be allowed or denied by the Township Supervisors after recommendations by the Planning Commission. Special exceptions are to be allowed or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Chapter and the Planning Code. The purpose of the conditional use and special exception categories is to provide flexibility within specific zoning districts. However, it is not the intent of this Zoning Ordinance to allow such uses automatically. The chief criteria

6. Editor's Note: Table 306 is included at the end of this Chapter.

7. Editor's Note: Table 307 is included at the end of this Chapter.

or standard that any conditional use or special exception must meet is the effect such a use would have on its immediate surroundings. If such an effect is adverse due to potential noise, traffic congestion, pedestrian traffic, hours of operation, safety or general environment degradation then, regardless of the fact such a proposed use may meet other criteria as listed in this Chapter, it shall be denied. In each case for a conditional use, the Supervisors may reasonably place any additional conditions on the applicant to insure the integrity of the neighborhood. Likewise, the Zoning Hearing Board can place reasonable conditions upon special exceptions.

2. The following standards are designed to apply to uses only when they are a special exception or a conditional use.

A. Churches, Schools, Hospitals and Nursing Homes.

- (1) Shall provide all parking and loading/unloading requirements as required by this Chapter.
- (2) Shall be located on a paved, public street with a minimum cartway width of 20 feet.
- (3) The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- (4) All parking and recreation/play areas which abut residential uses shall provide screen planting.
- (5) Any outdoor lighting shall be designed to prevent glare to adjoining properties. Fully shield fixtures shall be used, and fixtures shall be aimed away from any adjacent residential structure.
- (6) Such uses shall have, and present, all needed local, County, State or Federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a certificate of occupancy.
- (7) In addition to the required yards required in the particular district, each side yard shall be increased by 15 feet, front yards by 10 feet and rear yards by 20 feet.
- (8) Accessory uses and buildings for such facilities are those which are reasonable and necessary to accommodate the immediate users of the facility. Facilities designed to accommodate other users (for example a sports complex for an entire school district) shall be viewed as a principal use. Such facilities must present:
 - (a) Plot plan.
 - (b) Parking facilities.
 - (c) Traffic impact study (see § 27-422 for standards).
- (9) Schools, hospitals and nursing homes must be serviced by community sanitary

sewer facilities and public water supplies having adequate capacity for fire protection.

B. Public Utilities. Lots containing structures or buildings for public utilities shall:

- (1) Be landscaped to present a minimum intrusion upon the neighborhood.
- (2) Be enclosed by a security fence. Notwithstanding any other section of this Part, the height of this fence shall be adequate to provide proper security for the installation (eight feet).
- (3) No outdoor storage shall be permitted.

C. Fraternities and Sororities. Fraternities and sororities must meet the following criteria:

- (1) Lot size must be at least one acre.
- (2) Side yards shall be at least 50 feet.
- (3) All parking shall be accommodated on the lot to the rear of the main structure.
- (4) No outdoor loudspeakers shall be permitted.
- (5) Any refuse disposal container (i.e., dumpster) shall be stored to the rear of the main structure and screened on at least three sides.
- (6) Screened plantings shall be used along all side and rear yard lines which abut residential uses.
- (7) Must be served by public water and sanitary sewer facilities.

D. Clubs, Lodges and Fraternal Organizations. Such uses may be an intrusion on a residential neighborhood and as such are to be tightly controlled. Such uses shall:

- (1) Provide side yards of at least 25 feet.
- (2) Provide a rear yard of at least 50 feet, if the rear yard abuts a residential district or use.
- (3) Provide screen planting, as defined by this Chapter, along all rear and side yards which abut residential uses or districts.
- (4) Follow all parking regulations and provide a dust-free, year-round parking surface.
- (5) No exterior loudspeakers shall be allowed.

E. Conversion Apartments. The purpose of conversion apartments is to allow for the conversion of older, larger single-family homes into two-family dwellings and multifamily units. To qualify for conversion, the unit must be in existence prior to the enactment of this Chapter. To be allowed to convert from a single-family into a two-family dwelling or multifamily unit, the following criteria must be met:

- (1) All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces. In addition, each unit must have separate utility

connections and meters.

- (2) Individual dwelling units shall have a minimum size of 450 square feet exclusive of common spaces.
- (3) No more than three dwelling units will be allowed.
- (4) All required parking shall be accommodated on lot.
- (5) Lot size must be at least 10,000 square feet.

F. Two-Family Dwellings; Multifamily Dwellings.

- (1) Shall meet lot and yard requirements as set forth by Table 307.⁸
- (2) Parking shall be in driveways, garages, side or rear yards. Parking shall not be allowed in the front (see illustration).⁹
- (3) Each unit must have separate utility connections and meters. In addition, multifamily structures must be served by public sanitary sewer and water facilities.
- (4) Design criteria for townhouses follow:
 - (a) Townhouse Developments.
 - 1) There shall be no townhouse building consisting of more than six dwelling units.
 - 2) The developer shall vary architectural treatments between units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design, layout and arrangement of buildings, parking areas, services, recreational areas, common open space, and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.
 - 3) The horizontal distance between townhouses shall be:
 - a) Two times the average height of the townhouses for front or rear walls facing front or rear walls.
 - b) One and one-half times the average height for front or rear walls facing side walls; and
 - c) Equal to the height of the highest building for side walls facing side walls.
 - 4) The minimum width of any side yard abutting a street, driveway or

8. Editor's Note: Table 307 is included at the end of this Chapter.

9. Editor's Note: The illustrations are included at the end of this Chapter.

parking area shall be not less than 30 feet.

- 5) Access and service shall be provided in the front of each dwelling unit in the townhouse. Parking will be provided on the lot, as carports, as an integral part of the town-house, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance(s), snow removal and repairs.
- 6) Adequate refuse storage facilities shall be provided in rear yards and shall be either in a structure closed on at least three sides or shall be screened from adjoining properties by a fence or screen plantings.
- (b) High-Rise Apartments. High-rise apartment buildings up to seven stories will be allowed in the R-1 District. For the purpose of this Chapter, any development with four or more habitable floors, excluding basements, or which is over 40 feet in height shall be defined as a high-rise apartment. Such developments shall:
 - 1) Conform to the minimum lot area requirements of Table 307¹⁰ but in no event shall they have a lot size of less than one acre.
 - 2) Side yards shall be increased to 20 feet.
 - 3) Rear yards of 40 feet shall be required.
 - 4) The developer shall be required to show proof of compliance with the regulations of the Pennsylvania Department of Labor and Industry Standards, especially as they relate to the requirements of providing fire safety (sprinkler systems, et al.).
 - 5) The maximum height of such apartments shall be 70 feet.
- G. Warehousing, Wholesaling and Truck Terminals. Such uses are permitted subject to the following requirements:
 - (1) Lot size shall be at least two acres.
 - (2) Side and rear yards shall be increased by 20 feet.
 - (3) All outdoor storage shall be in side yards (behind the front lot line) or in the rear yard.
 - (4) Access to roads and highways shall be clearly defined.
 - (5) All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.
- H. Car Washes.

10. Editor's Note: Table 307 is included at the end of this Chapter.

- (1) Car stacking. The entrance to the car wash shall be designed as to permit a waiting line of at least four cars per wash bay. In no event shall cars be permitted to use the public right-of-way while waiting to use the wash facility. (See also § 27-407.)
 - (2) All such facilities shall present a drainage plan to the Board.
- I. Supply and Contractor's Yards. Supply and contractor's yards shall effectively screen the yards facing surrounding properties. Such screening shall be via fencing or screen planting.
- J. Heavy Manufacturing. Heavy manufacturing shall be located where the emission of objectionable gases, fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any R District shall be screened (see also § 27-403.9). They shall meet all performance standards set forth in § 27-406.
- K. Mobile Home Parks. All mobile home parks shall meet the criteria of this Chapter and as set forth by the Township of Sandy's Subdivision Ordinance (Chapter 22) as the same has been, or may be, amended or revised.
- L. Auto Service Stations, Auto Body Shops, Automobile Sales and Service. Shall be permitted subject to the following regulations:
 - (1) Any fuel pumps shall be at least 30 feet from the front lot line and at least 30 feet from a side lot line.
 - (2) Any lot line abutting a residential district or residential use shall be screened using screen plantings.
 - (3) There shall be no outdoor storage of new or used parts, scrap parts, junked autos, unregistered vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP-approved trash containers shall be permitted.
 - (4) No repair work is to be performed out-of-doors.
- M. Personal Care Homes. The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter and personal assistance for a period of more than 24 consecutive hours for four or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:
 - (1) There shall be no sign or exterior display beyond the name of the home or its use.
 - (2) At least one additional on-lot parking space shall be provided for each four quests.

- (3) In the R-1 District, no home shall admit more than 60 clients at any one time. This limitation shall not apply to such uses in the R-A, C, C-HLI Districts.
 - (4) Required local, County and/or State certifications shall be presented to the Board. Specially included are to be permits from the Pennsylvania Departments of Welfare and Labor and Industry.
 - (5) All uses shall be served by a community sewer system and have an adequate water supply for the proposed number of patrons.
 - (6) Personal care homes must be serviced by a public road having a minimum paved travel way width of 20 feet and a public water supply having adequate capacity for fire protection. For purposes of this subsection, "travel way" is defined as that portion of a road provided for movement of vehicles exclusive of parking lanes, shoulders, ditches and swales.
- N. Day Care. Day care services for children have three separate types (see Part 2 for definitions): Family Day Care Homes, Group Day Care Homes¹¹ and Day Care Centers. These uses shall be allowed, provided the following criteria are met:
- (1) Any outdoor play area shall be effectively screened from abutting properties.
 - (2) For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood.
 - (3) One parking space for each nonresident employee shall be required.
 - (4) The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.
 - (5) Group day care homes and day care centers shall be served by a community sanitary sewer service and a water source of at least 50 gallons of water per day per child, along with an adequate supply for staff and/or family.
 - (6) Day care centers shall be permitted as an accessory use to a personal care home, except as follows. A day care center shall not be permitted as an accessory use where the Zoning Hearing Board determines that traffic generated by the center will have a significant impact on the traffic conditions.
 - (a) In making a determination as to whether or not there is a significant impact of the daycare center on traffic conditions, reasonable criteria such as the following may be considered:
 - 1) Is the projected daily traffic generated by the center greater than 20% of current average daily traffic on any street impacted by the center?
 - 2) Does projected total daily or peak hour traffic meet warrant for a traffic signal?

11. Denotes accessory or secondary use.

- 3) Is projected total daily or peak hour traffic sufficient to require modification of any existing traffic signal (including signal timing modification)?
 - 4) Is projected daily traffic generated by the center greater than 120% of the average daily traffic which would be expected from the highest density residential use allowed on the parcel occupied by the center?
- (b) The applicant is responsible for submitting any required traffic data. Where actual traffic counts are not available, standards from generally accepted published references, such as the ITE Trip Generation Manual, may be used.
- O. Bed-and-breakfast. Such uses are intended to provide overnight or short-term accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:
- (1) All signs must conform to the Sandy Township Sign Ordinance.¹²
 - (2) No more than 10 guest rooms will be permitted.
 - (a) One off-street parking space for each guest room shall be required.
 - (3) The only meal served shall be breakfast and that shall only be provided to guests.
 - (4) The facility shall comply with state law regarding such facilities.
- P. Landfills. Landfills shall be permitted only as a conditional use. Plans for landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (DEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of landfills shall file with the Board written proof that they have met all permit requirements of the State and/or Federal government as they may apply to a specific development.
- (1) Local requirements which must be met prior approval include:
 - (a) A buffer yard of 250 feet from all public rights-of-way and 400 feet from all dwellings, schools, churches, hospitals and similar residential uses.
 - (b) A barrier of natural forestry at a width of 100 feet or an eight-foot high cyclone-type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of windblown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
 - (c) The barrier shall be at a minimum distance of 75 feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.

12. Editor's Note: See Part 9 of this Chapter.

- (d) The landfill shall have no more than two access routes, unless the landfill property borders three or more public rights-of-way. In such an event, approval by the Supervisors will be necessary to secure an additional access route.
- (e) A bond will be filed with the Supervisors, at an amount deemed necessary by the Board of Supervisors, to provide for protection of Township roads which may be used for access to the landfill.
- (f) The operator shall submit to the Board for approval a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land. Said plans are to show DEP approval as required.
- (g) All such proposed uses shall be on a lot of no less than 100 acres.

Q. Recycling, Scrap, Auto Salvage Yards and Salvage Yards. Shall comply with the following requirements:

- (1) All lots shall be at least two acres in size.
- (2) There shall be no storage of scrap, machinery or equipment of any kind in the front yard area, nor in areas visible from the surrounding properties.
- (3) All yard spaces shall be at least 50 feet.
- (4) The processing or storage of hazardous materials, as the same are defined by DEP, shall not be permitted.
- (5) As required, such uses shall obtain a license as required under the Township of Sandy Junkyard Ordinance (Chapter 13, Part 3).
- (6) They shall provide a fence around the premises at least eight feet in height, constructed to block at line of sight and set at least 10 feet back from any yard line.

R. Chemical Storage, Sales and Distribution, Petroleum Products Wholesale Distribution. The sale and hauling of chemical and petroleum products, especially in bulk quantities represent a potential hazard to the community. Due to this, such uses must:

- (1) Present evidence that all required Federal and State permits, licenses, etc., have been secured, or are in the process of being secured. Specifically, the regulations of the Pennsylvania State Fire Marshal shall be followed. This includes approval of underground tank installation. A certificate of occupancy will not be issued until all such permits are finalized.
- (2) Copies of plans showing any underground piping, storage facilities, and related appurtenances as they involve chemical or petroleum products must be presented. "As-built" corrections must be made before a certificate of occupancy is issued. (Note: This information will be shared with public safety organizations.)

- (3) No structure involving the use, storage, or handling of chemical or petroleum products shall be within 400 feet of a residential use or district.
 - (4) For chemical operations, a list of substances to be handled at the development will be furnished.
 - (5) All lots shall be at least two acres in size.
- S. Home Occupations. Home occupations are a potential intrusion upon residential areas and as such must meet all the requirements listed in this Section:
- (1) Parking. In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Chapter.
 - (2) Employees. No outside employees, other than a family member, shall participate or work in the home occupation.
 - (3) Restrictions. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile body work and similar undertakings.
 - (4) Home occupations may include, but are not limited to, art studios, music studios (limited to one student at a time), professional services, beauty shops, and dressmakers.
 - (5) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
 - (6) No more than 25% (in aggregate) of the home and accessory buildings may be used for a home occupation.
 - (7) Signs will be per the Sandy Township Sign Ordinance.¹³
 - (8) Home occupations shall not operate before 8:00 a.m. nor after 9:00 p.m.
 - (9) Any retail sales shall consist primarily of items made on the premises. No more than 25% of on-premises sales shall be from items not made on the premises.
 - (10) No more than one home occupation per dwelling shall be permitted.
- T. Cemeteries. The purpose of cemeteries, under this Chapter, is to provide a proper burial ground for persons. Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:
- (1) File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
 - (2) Connections to existing Township streets will be no closer than 50 feet to a

13. Editor's Note: See Part 9 of this Chapter.

street intersection, 15 feet to a fire hydrant, or 30 feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.

- (3) Demonstrate compliance with applicable State laws.
- (4) All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- (5) All new facilities shall have a size of at least two acres.
- (6) Present an acceptable plan for perpetual care.

U. Shopping Centers. For proposed shopping centers, the developer shall submit:

- (1) An existing site plan at a scale which may range from one inch to 10 feet through one inch to 50 feet. The site plan shall show existing site conditions, including buildings, natural features, and utilities.
- (2) A proposed site plan to include proposed building, parking, vehicular and pedestrian access areas, storm drainage, landscaping, lighting, utility location and size.
- (3) A sketch plan showing surrounding properties, land use, and utilities within 200 feet of the proposed development.
- (4) A schedule of uses will be provided, along with parking lot capacity and a brief overview of operations.
- (5) Provide a buffer strip of at least 100 feet along each side or rear yard which abuts residential uses or districts. Such a buffer strip shall be landscaped and planted to provide an attractive visual barrier between the use and adjacent residential areas.

V. (Reserved)

W. Continuing life care development. Continuing life care developments are generally of such a large scale that the entire community may be impacted. Therefore:

- (1) The developer shall certify that all units will meet the Federal standards for housing for the elderly. Specifically, all residents shall be 62 years of age or older or at least 55 years of age for one resident of no more than 80% of the units.
- (2) All components of the development shall meet the parking and density requirements of this Chapter.
- (3) Any outdoor lighting shall be designed to prevent glare to surrounding properties. (See § 27-420.)
- (4) Where the Sandy Township Supervisors determine the need to provide screening for surrounding residential properties, the proposed continuing life care development shall be effectively screened with a mixture of deciduous and

coniferous plantings sufficient to filter most light and noise throughout the year. At a minimum, this screen/buffer should be at least six feet in height and 25 feet in width within two years of planting.

- (5) A lot of at least five acres shall be required.
 - (6) Multiple principal uses and principal buildings are permitted when dedicated to the care of the residents and developed according to an approved plan.
 - (7) All uses within a continuing life care development shall be served by a community sanitary sewer system and a public water system having adequate capacity for fire protection.
 - (8) Nursing home facilities shall be housed in a separate building and shall comply with § 27-308.2A of this Chapter.
 - (9) Minimum setback from lot lines along the perimeter of development tract; front yard shall be 50 feet. All side yards shall be 40 feet and all rear yards shall be 50 feet.
 - (10) Internal Setback Requirements. Where development is proposed along internal, private streets, a ten-foot minimum setback shall be maintained from the private street rights-of-way to any buildings. Where internal streets are to be dedicated a municipal streets, the setback requirements of Table 307, Lot Yard and Height Requirements, of this Chapter shall be maintained.¹⁴
 - (11) Maximum building height shall be 35 feet.
 - (12) Where the proposed continuing life care development adjoins a neighboring zoning district, the Sandy Township Supervisors may permit a continuation of the development across the zoning district boundary if they determine that the proposed development is in keeping with the character of the existing surrounding development.
 - (13) Continuing life care developments must be serviced by a public road having a minimum paved travel way width of 20 feet. For purposes of this subsection, "travel way" is defined as that portion of a road provided for movement of vehicles, exclusive of parking lanes, shoulders, ditches and swales.
- X. Transient (Travel) Trailer Parks. Such uses are commercial in nature, normally seasonal, and do have a high impact potential. Such uses shall:
- (1) Be at least two acres in size.
 - (2) Provide planted buffer yards of at least 50 feet along all side and rear lot lines.
 - (3) Provide evidence of compliance with any applicable Department of Environmental Protection standards for public water and sanitary sewer facilities.

14. Editor's Note: Table 307 is included at the end of this Chapter.

- (4) Provide evidence of approved solid waste removal through sufficient contract space with a waste hauler.
 - (5) Provide an area of not less than 2,000 square feet for each travel trailer with a minimum width of 40 feet.
 - (6) Access to the facility, and to individual lots shall be by permanent dust-free roads. One-way roads shall be at least 12 feet wide; two-way roads at least 22 feet wide.
- Y. Commercial Outdoor Recreation. These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Uses such as picnic groves, tennis courts, and game fields are considered typical outdoor commercial recreation uses. Some uses, due to their nature, are prone to generate even more noise and activity. These are classified as high-impact outdoor commercial recreation. These uses include paintball facilities, ATV tracks, motocross tracks, motorcycle tracks, motorized racing (of all types), shooting ranges, and similar activities. They shall adhere to all regulations herein, especially Subsection Y(5), High-impact outdoor commercial recreation. Outdoor uses shall:
- (1) Have a lot of not less than six acres in size.
 - (2) In addition to required side and rear yards, provide a buffer yard of an additional 20 feet, which yard is to be planted in evergreen trees in order to help provide a visual and sound barrier to nearby properties.
 - (3) There shall be no outdoor speakers.
 - (4) Operating hours shall be between 8:00 a.m. and 10:00 p.m., prevailing time.
 - (5) High-impact outdoor commercial recreation. These are uses that, due to their nature, are apt to be intrusive in a rural setting. To mitigate these effects, the following standards are set:
 - (a) All lighting shall be fully shielded fixtures.
 - (b) A landscaped screening 20 feet in width shall be provided on all side and rear lot lines that abut residential uses or districts. The screening shall provide an effective light screen. Paintball, motocross, and any type of motorized racing facilities will require landscaped screening of 75 feet from any area where active paintball or racing activities will take place.
 - (c) Lot sizes shall be at least 20 acres in size.
 - (d) The hours of operation shall be between 8:00 a.m. and 10:00 p.m., prevailing time.
 - (e) Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's NRA Range Source Book to ensure safety.

- (f) Paintball, motocross, and similar specialized activities shall file with the Township a bond which will ensure such facilities will be properly decommissioned when they are no longer in use. Such bond will be in an amount satisfactory to the Township to assure a successful decommissioning and shall be renewed annually.
- (g) Any facility that generates 750 vehicles per day or more (a medium-volume driveway) shall be on a paved road.

Z. Mini-Storage Facilities: These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small, separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- (1) There shall be not outdoor storage of any type, at any time.
- (2) In addition to the required side and rear yards, an additional ten-foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties.
- (3) Each such facility shall be serviced by at least two well-marked driveways of 10 to 12 feet in width.
- (4) The entire complex shall be surrounded by a security fence at least six feet but not greater than eight feet in height. Said fence shall be no closer to any lot line than 10 feet.
- (5) The hours of operation shall not begin before 6:30 a.m. nor extend beyond 12:00 midnight, prevailing time.

AA. Truck/Auto Service Centers. These facilities offer food, fuel and repair services for truckers and motorists and sometimes include motel units, showers and similar facilities. They shall:

- (1) Meet the criteria of § 27-308.2L.
- (2) Have a lot size of at least three acres.
- (3) Provide evidence of adequate water and sanitary sewer services.

BB. Mining and Mineral Excavation. Mineral excavation and oil and gas well operations. Excavations of sand, gravel, coal and other material from the ground may be permitted in certain districts if approved by the Board of Supervisors in accordance with this Section. Note: This Section is intended to apply to both aboveground and below-ground operations. It is the further intention of Sandy Township that all activities which are governed by the rules and regulations of the Pennsylvania Department of Environmental Protection shall evidence compliance with those regulations. Therefore, the issuance of any permit or certificate by the Township shall be conditional upon clear evidence, submitted by the developer, of successful compliance with DEP regulations. Such evidence shall consist of permits, official approval letters, or similar official documents of DEP. In addition, copies of all

applications and permits are to be filed with the Township. All mineral extraction, except oil and gas shallow wells, which are regulated by Subsection BB(5), shall comply with the following minimum requirements and any other measure that the Township might reasonably specify. A zoning certificate shall be required for each property.

- (1) No operation shall be conducted closer than 100 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any road right-of-way line.
- (2) No operation shall be conducted closer than 300 feet to an existing dwelling, school, hospital or similar residential use. Isolation distances of 150 feet to water wells shall be observed.
- (3) The operator shall submit with the zoning application a plan for the restoration of the area to be excavated. It is assumed that such plan will be required by DEP or other permitting agency. In that event, a copy of the required plan will suffice. However, if such a restoration plan is not required by any other agency, it will be required by the Township.
- (4) The operator shall file with the Township written proof that all regulation and bonding requirements of the Pennsylvania Department of Environmental Protection have been met.
- (5) Oil and gas shallow well operations shall be a conditional use in certain districts, provided that the requirements of this subsection and of the Oil and Gas Act (58 P.S. § 601.101 et seq.), as amended, are met.
 - (a) No operation shall be conducted closer than 100 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any public road right-of-way.
 - (b) No operation shall be conducted closer than 200 feet to an existing dwelling, school, hospital or similar residential use or water source for those uses.
 - (c) A zoning certificate shall be required and issued by the Zoning Officer. No zoning certificate shall be issued until the following is submitted with the application for a zoning certificate:
 - 1) A copy of the permit from the Department of Environmental Protection for the operation and a copy of the well location map and notice of proposed or existing location form as required by the Department of Environmental Protection.
 - 2) The Zoning Officer may require, prior to the permit issuance, a performance and/or a maintenance guaranty. The performance guaranty shall include, at a minimum, but not be limited to provision for adequate protection from any adverse conditions which may result from the well-drilling operation.

- 3) The maintenance guaranty shall contain, at a minimum, but not be limited to adequate protection from any damage to adjacent roads and other related property damage.
 - 4) The performance and maintenance guaranties, amount and time limit shall be for the period of well development.
- (d) As an addendum to the zoning application, a plan accurately drawn to scale, showing the location of all wells as referenced by the location of adjacent properties, roads and natural features.

CC. Coal Tipple, Cleaning and Processing Plants. These uses shall:

- (1) Have a lot size of at least three acres.
- (2) Yard spaces shall be increased as follows:

Front yard	50 feet
Side yard	30 feet each
Rear yard	75 feet

- (3) Regardless of neighboring uses, the buffer yards required under § 27-403.9 will be required.

DD. Contractor's Yards. This use can be accommodated in rural, low-density areas provided that:

- (1) Lot sizes shall be at least two acres.
- (2) Each side and rear yard shall be increased by 15 feet.
- (3) All equipment shall be stored in rear yards.

EE. Stock Car Racing. Where this use is permitted, the following conditions shall apply:

- (1) No racing facility or grandstand shall be closer than 500 feet to any residential or commercial district.
- (2) A fence at least eight feet in height shall surround the facility. Said fence shall be maintained in good condition.
- (3) Any yard which abuts a residential use or district shall provide a buffer strip of 20 feet in width. This strip shall consist of evergreen trees designed to grow at least 10 feet in height and maintained in good condition. As an alternative, a planted earthen mound at least 15 feet in height can be used.
- (4) The track shall be maintained in a dust-free state insofar as possible.
- (5) The applicant shall present a sound level study completed and certified by a licensed engineer. At the boundary of the project, the decibel level shall not exceed 70 dBA.

FF. Radio/TV Transmission/Receiving Towers and Antenna. Apply the criteria only to commercial or public towers in excess of 100 feet in height. Home "ham" or "CB" uses are excluded. Such uses shall:

- (1) Maintain setbacks from all property lines as required by appropriate yard standards but in no case less than 20% of the tower height.
- (2) The tower base and all guy wire ground anchors shall be suitably protected by fencing.
- (3) All accessory structures, including studios, shall observe required yard, coverage and height regulations, as well as adhering to other provisions of this Chapter.

GG. Petting Zoos.

- (1) Hours of operation: 9:00 a.m. to 9:00 p.m.
- (2) Isolation Distances. All isolation distances specified in § 27-413 of this Chapter shall be applied.
- (3) Fencing. The entire area used for the petting zoo function, with the exception of parking areas where access is restricted by doors or gates between the parking areas and the viewing areas, shall be enclosed by a six-foot-high fence. Higher fencing may be required in areas displaying large animals.
- (4) Parking. Parking shall be provided for 20 vehicles per acre, but not less than 10 parking spaces for zoos less than one acre.
- (5) Licensing. The zoo operator shall have a menagerie permit issued by the Pennsylvania State Game Commission.
- (6) Animal Waste. The applicant shall provide a waste handling/disposal plan meeting all applicable agricultural and environmental regulations.

HH. Adult-Oriented Businesses in accordance with the following standards:

- (1) Adult businesses must be conducted and maintained in such a manner as to ensure the health, safety and welfare of the citizens and their property in Sandy Township.
- (2) General Regulations.
 - (a) Adult-oriented businesses shall only be permitted as a conditional use in the C-HLI Zoning District.
 - (b) No adult-oriented business shall be located within 500 feet of any of the following land uses, as measured from the nearest point of both properties:
 - 1) Churches.
 - 2) Schools (public or private).
 - 3) Child care/day care facility.

- 4) Residence.
 - 5) Park.
 - 6) Playground.
 - 7) Community center.
 - 8) Library.
 - 9) Museum.
 - 10) Camp.
 - 11) Amusement park.
 - 12) Ballfield.
 - 13) Any other area where minors congregate.
- (c) No adult oriented business shall be located on a parcel of land that is adjacent to an interstate.
 - (d) No adult oriented business shall be located within 2,000 feet of another adult business.
 - (e) Permit Required. No adult business shall be commenced or continued without a conditional use permit being obtained from the Township pursuant to this Chapter.
 - (f) Signs and Displays. No exterior display or interior display which is visible from outside the business shall be made to identify or portray the type of activity which occurs at an adult oriented business, excepting for one approved ground sign not to exceed a surface area of 36 square feet for both sides combined. Such sign shall be subject to all other limitations applicable to signs. It shall not incorporate any obscene material, sexual messages or any sexual or obscene innuendos, or any pictures, but shall be otherwise unlimited as to message. All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
 - (g) Nonconforming Buildings or Lots. No nonconforming building or lot shall be used for an adult oriented business. No other existing building, lot or use shall be added to, enlarged, expanded in size or program or converted for purposes of conducting an adult oriented business unless application to do so has been made pursuant to this Section.
 - (h) All exterior areas of the adult business, including buildings, landscaping and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner at all times.
 - (i) Hours of operation shall not be from 2:00 a.m. to 6:00 a.m. and must be closed on Sundays and all federally observed holidays.

- (j) Each adult business shall conform to all applicable laws and regulations with regards to Federal, State and local laws.
- (3) Prohibited Activities. Because they are known to present severe health risks (including spread of sexually transmitted diseases), encourage prostitution, increase sexual assaults and attract criminal activity, the following activities shall not be permitted in any adult oriented business within Sandy Township:
- (a) Adult business shall not sell or display "obscene matter," as that term is defined by the Pennsylvania Crimes Code or its successors and may not exhibit "harmful matter," as that term is defined by the Pennsylvania Crimes Code or its successor, to minors.
 - (b) No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas," inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening.
 - (c) Specified Sexual Activities.
 - 1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast.
 - 2) Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation or sodomy.
 - 3) Acts of human masturbation, actual or simulated.
 - 4) Excretory function as part of or in connection with any of the activities set forth above.
 - (d) Specified Anatomical Areas.
 - 1) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - 3) No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.
 - 4) Public appearance by a person knowingly or intentionally engaged in sexual intercourse, deviate sexual conduct or the fondling of the genitals of himself or another person, or the fondling of female breasts.
 - 5) The knowing and intentional public appearance of a person in a state

of nudity.

(4) Adult businesses must meet the following minimum criteria:

- (a) Minimum front yard setback of 300 feet.
- (b) Minimum side yard of 100 feet.
- (c) Screening shall be provided along all property lines that are not adjacent to a public road, which shall be three rows of evergreens, six feet in height and staggered so as to not see through them. The screening must be maintained by the property owners, and trees that do not survive must be replaced as soon as they show signs of dying.
- (d) Any other conditions set forth by the Board of Supervisors that are reasonable and that provide for the health, safety and well-being of the public in general.

II. Wind Farms. The following Subsection will govern the construction of wind energy or wind farms in the Township:

(1) Development Requirements.

- (a) No plan providing for the construction or erection of a wind energy facility or addition of a wind turbine to an existing wind energy facility shall be approved unless such plan has complied with the requirements of this Chapter.
- (b) Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require approval under the Zoning Ordinance of Sandy Township. Like-kind replacements shall not require a permit modification.

(2) Plan Requirements.

- (a) The plan shall demonstrate that the proposed wind energy facility will comply with this Chapter and the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended,¹⁵ and the regulations adopted by the Department of Labor and Industry.¹⁶
- (b) The development plan shall contain the following:
 - 1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of

15. Editor's Note: See 35 P.S. § 7210.101 et seq.

16. Editor's Note: See 35 Pa Code § 401 et seq.

ancillary facilities.

- 2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
- 3) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.
- 4) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- 5) Documents related to decommissioning, including a schedule for the decommissioning and financing security.
- 6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Sandy Township to ensure compliance with this Chapter.

(3) Design and Installation.

- (a) Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended,¹⁷ and the regulations adopted by the Department of Labor and Industry.¹⁸
- (b) Design Safety Certification. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- (c) Controls and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

17. Editor's Note: See 35 P.S. § 7210.101 et seq.

18. Editor's Note: See 35 Pa Code § 401 et seq.

- (d) Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, State and national codes, and relevant and applicable international standards.
 - (e) Visual Appearance; Power Lines.
 - 1) Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
 - 2) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - 3) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
 - 4) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
 - (f) Warnings.
 - 1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - 2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
 - (g) Climb Prevention/Locks.
 - 1) Wind turbines shall not be climbable up to 15 feet above the ground surface.
 - 2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
- (4) Setbacks.
- (a) Occupied Buildings.
 - 1) Wind turbines shall be set back from the nearest occupied building a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - 2) Wind turbines shall be set back from the nearest occupied building located on a nonparticipating landowner's property a distance of not less than five times the hub height, as measured from the center of

the wind turbine base to the nearest point on the foundation of the occupied building.

- (b) **Property Lines.** All wind turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
 - (c) **Public Roads.** All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
- (5) **Waiver of Setbacks.**
 - (a) Upon request, the Zoning Hearing Board may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, and provided that such waiver will not be contrary to the public interest.
 - (b) The Zoning Hearing Board may take into consideration the impact on adjacent property owners in granting waivers of setback requirements hereunder.
- (6) **Use of Public Roads.**
 - (a) The applicant shall identify all State and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
 - (b) The Township Engineer, or a qualified third party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The Engineer shall document road conditions again 30 days after construction is complete or as weather permits.
 - (c) The Township may bond the road in compliance with State regulations.
 - (d) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
 - (e) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- (7) **Local Emergency Services.**
 - (a) The applicant shall provide a copy of the project summary and site plan to local emergency services, including the nearest fire department(s).
 - (b) Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for

the wind energy facility.

(8) Noise and Shadow Flicker.

- (a) Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier. The Township may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, and provided that such waiver will not be contrary to the public interest.
- (b) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a nonparticipating landowner's property.
- (c) The Zoning Hearing Board may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

(9) Signal Interference. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind energy facility.

(10) Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Certificates shall be made available to the Township upon request.

(11) Decommissioning.

- (a) The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (b) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (c) Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (d) An independent and certified professional engineer shall be retained to

estimate the total cost of decommissioning ("decommissioning costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

- (e) The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township of Sandy.
- (f) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- (g) If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection II(11)(a), then the landowner shall have six months to complete decommissioning.
- (h) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by Subsection II(11)(a) and (g), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- (i) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

(12) Public Inquiries and Complaints.

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

(13) Remedies.

- (a) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Subsection II, or any permit issued under this Subsection, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under this Subsection.
- (b) If the Township determines that a violation of this Subsection II or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Subsection or permit as set forth by Part 5 of this Chapter. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation.
- (c) If the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute enforcement proceedings or any other remedy at law or in equity to ensure compliance, as provided in Part 5 of this Chapter.

JJ. Light Manufacturing. Light manufacturing shall be allowed, subject to the following conditions:

- (1) Lot size shall be 40,000 square feet.
- (2) Side yards shall be 30 feet.
- (3) Any side or rear yard which abuts a residential use or district shall provide screen planting, as defined in this Chapter.

KK. Industrial Parks. The industrial park use is created as an area to be devoted to industrial and nonretail business activity.

(1) Permitted Uses and Accessory Uses.

(a) Permitted Uses. Permitted uses are listed below:

- 1) Wholesale, warehousing and storage.
- 2) Distributing plants, beverages bottling and/or distribution.
- 3) Light manufacturing as defined in this Chapter.
- 4) Laboratories devoted to research, design, experimentation, processing, and fabrication incidental thereto.
- 5) Utility operations (electric and gas company operations, sewer and water authorities), excluding electric-generating facilities.
- 6) Radio and television facilities and operations, telephone exchange and transformer stations.
- 7) Carpenter, electrical, plumbing, welding, heating or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or

dyeing establishments, printing shop or publishing plants.

- 8) Building material supplies, excluding stone crushing or concrete mixing.
- 9) Office buildings.
- (b) Accessory Uses. The following special uses shall be permitted in the Industrial Park District, provided that the buildings and accessory buildings and use comply with all requirements of other districts in which they are normally permitted:
 - 1) Cafeterias or restaurants specifically designed and intended for use by those employees and management of uses in the industrial park development.
 - 2) Auditoriums, meeting rooms, or other buildings primarily intended for the mutual use of the permitted uses located within the development.
 - 3) Outdoor recreational facilities designed and intended for use by employees and management of those permitted uses within the development. These facilities, if lighted, must be shielded away from any thoroughfares and residential districts by the use of full cutoff fixtures.

(2) Regulations.

(a) Minimum Lot Area and Lot Width.

- 1) An industrial park development shall be required to contain a minimum of 10 acres of land area.
- 2) All buildings or structures permitted in the Industrial Park District shall be located on a lot having a minimum area of 40,000 square feet and a minimum frontage on a public or private road of 200 feet.

(b) Yards Required.

- 1) Front Yards. There shall be a front yard of not less than 50 feet measured from the street right-of-way line of streets.
- 2) Side Yards. There shall be two side yards, each having a width of not less than 25 feet.
- 3) Rear Yards. There shall be a rear yard of not less than 50 feet.

(3) Building Height Limits.

- (a) No building or structure shall exceed a height of 40 feet. Signs shall comply with Part 9 of this Chapter.
- (b) Percentage of Lot Coverage. Not more than 30% of the lot area shall be covered by any main and accessory buildings. No more than 80% of the

lot may be covered by impervious surfaces.

(c) Off-Street Parking. Shall comply with § 27-407 of this Chapter.

(4) Signs and Lighting Requirements.

(a) Signs. All signage shall be in accordance with the standards set forth in Part 9 of this Chapter.

(b) Lighting Standards. Lighting shall comply with § 27-420 of this Chapter.

(5) Streets. All streets in any Industrial Park District may be either public or streets and shall meet the standards specified by the Township's Subdivision and Land Development Ordinance.¹⁹

LL. Elder Cottages.

(1) Use Limitations: An elder cottage shall not be occupied by more than two persons, one of whom may be a caretaker for the qualified occupant; who shall be the same persons enumerated on the application for the elder cottage unit, and one or two of whom shall be a person 62 years of age or older and who shall require assistance, as certified by a state-licensed physician, with at least two daily activities (i.e., bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating), and who shall be related by blood, marriage, or adoption to one of the owners and occupants of the principal dwelling on the lot where the elder cottage is located.

(2) Unit Size.

(a) The elder cottage shall not exceed 900 square feet in total floor area.

(b) The minimum size of an elder cottage occupied by one person may be reduced to no less than 250 square feet of enclosed floor area. The minimum size of an elder cottage occupied by two persons may be reduced to no less than 500 square feet of enclosed floor area.

(c) The elder cottage shall not exceed one story in height and under no circumstances shall the total height exceed 20 feet.

(3) Location Requirements.

(a) An elder cottage shall, subject to the further limitations of this Code, be located only on a lot where there already exists a one- or two-family dwelling.

(b) No elder cottage shall be located within the front yard of any lot.

(c) No more than one elder cottage shall be located on any lot.

(d) The elder cottage shall be otherwise in conformity with all other provisions of this Code, including lot coverage and side and rear yard

19. Editor's Note: See Chapter 22, Subdivision and Land Development.

setbacks, and any distance requirement from the main dwelling unit on the lot as required by the Board of Supervisors.

(4) Building Requirements.

- (a) An elder cottage shall be clearly subordinate to the principal dwelling on the lot. Its exterior appearance and character shall be in harmony with the existing principal dwelling.
- (b) An elder cottage shall be constructed in accordance with all applicable laws, regulations, codes, and ordinances, including the Pennsylvania Uniform Construction Code (UCC). If an elder cottage is a factory-manufactured home or component, in addition to complying with any other law, it shall bear an Insignia of Approval of the United States Department of Health and Urban Development (HUD).
- (c) An elder cottage shall be constructed so as to be easily removable. The unit's foundation shall be of easily moveable materials so that the lot may be restored to its original use and appearance after removal with as little expense as possible. No permanent fencing, walls, or other structures shall be installed or modified that will hinder removal of the elder cottage from the lot.
- (d) Adequate water supply and sewage disposal arrangements shall be provided, which may include connections to such facilities of the principal dwelling and which must be approved and installed with compliance to Sandy Township Code. If an elder cottage is located in an area where electrical, cable, and/or telephone utilities are underground, such utilities serving the unit shall also be underground.
- (e) Adequate parking shall be provided for residents and visitors with added consideration for possible access for emergency vehicles.

(5) Approval Process. The construction or placement of an elder cottage on a lot shall not occur until the applicant completes an elder cottage application, a building permit application and a zoning permit application, and all applications have been approved in accordance with the procedure set forth in Chapter 27 (Zoning Ordinance) of the Code of the Township of Sandy.

(6) In addition to the application requirements of § 27-104.1 of the Sandy Township Code of Ordinances, the application for site plan review for an elder cottage shall require approval by Sandy Township and shall contain such information as the Sandy Township Zoning Officer may require to adequately review the proposed unit, but shall contain at a minimum:

- (a) Name, address and phone number of the owner of the lot.
- (b) Name of the occupants of the principal dwelling (address and phone number if different than owner of lot).
- (c) Name of the proposed occupants of the elder cottage.

- (d) Age of the proposed occupants of the elder cottage.
 - (e) Relationship of the elder cottage occupants to the owners and occupants of the principal dwelling.
 - (f) Agreement to remove the elder cottage when the Site Plan Approval expires in accordance with Subsection 2LL(8).
 - (g) Consent for Sandy Township to enter on the property and to remove the elder cottage, and use the Bond required as set forth in Subsection 2LL(6)(h) of this section and/or place a lien on the property, if the owner fails to timely remove it, as set forth in § 27-504 (Violations) of the Sandy Township Code of Ordinances.
 - (h) Submission of a bond in the form and amount satisfactory to the Township in order to provide for the cost of removal and disposal of the manufactured housing unit, if it remains on the property for more than 90 days after it is to be removed.
 - (i) The certification required by Subsection 2LL(1)(b).
- (7) Occupation of Elder Cottage. The elder cottage unit shall not be occupied until the Building Code Official of Sandy Township has inspected the unit and given approval for occupation.
- (8) Expiration of Elder Cottage Approval.
- (a) The elder cottage approval shall terminate after:
 - 1) Two years after approval of the elder cottage for occupation by the Building Code Official, unless the owner of the property certifies that the use limitations of Subsection 2LL(1) continue in which case the Supervisors of Sandy Township may extend elder cottage approval for an additional year; or
 - 2) The death or permanent change of residence of the original occupant or occupants of the elder cottage or change of ownership of the property upon which the elder cottage is located; or
 - 3) of the occupancy requirements set forth in this section are no longer met.
 - (b) Without limiting other evidence of a permanent change of residence, continuous absence from the elder cottage of a person for a period of 90 consecutive days shall be considered to be a permanent change of residence.
 - (c) During the ninety-day period following any of the events set forth in Subsection 2LL(8)(a), the elder cottage, including its foundation, shall be removed, water supply and sanitary sewer connection shall be properly capped, sealed and inspected by Sandy Township, and the site shall be restored so that no visible evidence of the elder cottage and its accessory

elements remains, or a new application for an elder cottage shall be submitted.

- (d) If the elder cottage has not been removed by the end of the ninety-day removal period, in addition to the existing sanctions in this Code, actions to insure removal may be taken, including removal and salvage by Sandy Township and all expenses shall be a charge against the land on which such structure is located and/or Sandy Township utilizes the submitted bond for the expenses of removal and relocation of the elder cottage.

Part 4

SUPPLEMENTARY REGULATIONS

§ 27-401. Nonconforming Uses and Structures. [Ord. 2010-1, 1/18/2010]

1. The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Township of Sandy that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Part.
2. Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification. But a nonconforming use may not be extended or expanded except to a conforming use. A nonconforming use in a building may be expanded as permitted by the Zoning Hearing Board in accordance with the provisions of this Part. (See § 27-401.5)
3. Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within 12 months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and in such cases it must meet the off-street parking and loading requirements of this Part.
4. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reasons, for a period of one year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Chapter.
5. The nonconforming use of a building may be extended throughout those parts thereof, provided the resulting use meets the off-street parking requirements of § 27-407 and does not result in increased adverse impact to the character of the district within which the nonconforming use is located. In making this determination, the Zoning Hearing Board shall, at a minimum, consider impacts of the proposed changes in traffic, noise, lighting, and public safety.
6. A nonconforming structure may, with the approval of the Zoning Hearing Board, be extended, expanded or replaced if the resulting structure meets the minimum yard requirements, maximum lot coverage, and maximum height restrictions of the district in which the structure is located in addition to the off-street parking requirements of § 27-407 for the nonconforming use. Approval shall be given only if such extension, expansion, or replacement does not result in increased adverse impact to the character of the district

within which the nonconforming structure is located. In making this determination, the Zoning Hearing Board shall, at a minimum, consider impacts of the proposed changes on traffic, noise, lighting, and public safety.

7. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Chapter and where construction is complete within six months from the date of issuance of the permit.
8. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
9. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Part shall also apply to any uses which thereby become nonconforming.

§ 27-402. Existing Lots of Record. [Ord. 2010-1, 1/18/2010]

Any lot of record existing at the effective date of this Chapter, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Chapter, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this Chapter, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this Chapter.

§ 27-403. Application of Yard Regulations. [Ord. 2010-1, 1/18/2010; as amended by Ord. No. 2018-3, 5/7/2018]

1. Corner Lots. For corner lots, the required front yard setback will be required for the short side which fronts upon a street; the yard requirements on the long side shall be reduced 30%. (See illustration.²⁰)
2. Where a structure exists on an adjacent lot and is within 150 feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
3. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this Section. Cornices, eaves, gutters, balconies, steps, stoops, bay windows or chimneys may project into required

20. Editor's Note: The illustrations are included at the end of this Chapter.

spaces, provided such projection is not more than 24 inches.

4. A wall or fence six feet or less in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Chapter are not subject to the four-foot-high limitation. Fences may be permitted in front yard areas, provided they are no higher than three feet and do not impinge on the required free-sight triangle at intersections.
5. Swimming pools shall be permitted in rear yards only, provided that the pool is located not less than 20 feet from any yard line. (See also § 27-409.)
6. Access to Lots. No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least 12 feet wide and shall extend from the dwelling to the public street or highway, or to a private street or highway having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all season of the year. For the purpose of this section, an alley shall not constitute a public street or highway.
7. In any residential district, no building to the rear of and on the same lot with a principal building shall be erected and used for residence purposes.
8. In the R-U and R-1 Districts, accessory buildings may be erected no closer than 15 feet to the rear or side lot line, on alleys only. (See illustration.²¹)
9. Buffer yards required in addition to other spaces in industrial districts.
 - A. Where an industrial district abuts a residential district, a buffer yard of not less than 30 feet shall be required. (Note: 50 feet total.)
 - B. Where an industrial district abuts a street that abuts a residential district, a buffer yard of not less than 15 feet measured from the street right-of-way shall be required. (Note: 65 feet total.)
 - C. Where an industrial district abuts a stream, a buffer yard of not less than 15 feet in width, measured from the edge of the stream shall be required.
 - D. All of the foregoing buffer yards shall be planted and maintained with a vegetable material to include a row of trees not more than 40 feet on center, along with evergreen shrubs to effect visual screening.
 - E. Buffer yards other than interior side of rear buffer yards may be crossed by access roads and service drives not more than 24 feet in width, provided that the angle of the center line of the road or drive crosses the lot line and buffer yard at not less than 60°.

§ 27-404. Temporary Structures. [Ord. 2010-1, 1/18/2010]

1. Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period.

21. Editor's Note: The illustrations are included at the end of this Chapter.

2. **Portable Storage Units.** These units are intended for the temporary storage of household goods during moving or remodeling. Units must be off the public right-of-way and set back at least 15 feet. The use of trailers, either former mobile homes or semi-rigs, for storage is not permitted in any district in the Township. The Township shall issue permits for such units on a thirty-day basis with up to one thirty-day renewal. After that time, the units will be regarded as structures. They shall be placed on a permanent foundation, shall meet all yard requirements of this Chapter and be inspected for conformance with the Uniform Construction Code. If not in conformity with that code, they shall be brought into compliance or such structures will be considered in violation of this Chapter.

§ 27-405. Height Limitations. [Ord. 2010-1, 1/18/2010]

When the following conditions are met, height limits may be increased:

1. Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side, and rear yard depths are increased by one foot for each additional foot of height; however, such increase shall be limited to no more than 10 additional feet.
2. The following structures are exempt from height regulations, provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulkheads, smoke stacks, conveyors, flagpoles, agricultural silos, standpipes, elevated water tanks, derricks and similar structures. However, for the above structures, all yard and setback requirements must be met. In addition, any structure with a height in excess of 50 feet will be first referred to the Township Engineer relative to public safety considerations.
3. For all residential uses, accessory buildings shall not exceed 18 feet in height. This regulation is not to be applied to operating farms and buildings used for agricultural uses.

§ 27-406. Performance Standards. [Ord. 2010-1, 1/18/2010]

No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements:

1. **Fire Protection.** Fire protection and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
2. **Electric Disturbance.** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
3. **Noise.** Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
4. **Smoke.** To be governed by the standards of the Department of Environmental Protection.
5. **Odors.** To be governed by the standards of the Department of Environmental Protection.

6. Air Pollution. To be governed by the standards of the Department of Environmental Protection.
7. Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
8. Erosion. No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.
9. Water Pollution. The discharge of all wastewater shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and/or the Township of Sandy and shall comply with any and all applicable regulations of the United States. Wastewater discharge shall be acceptable under the provisions of Pennsylvania Act 537,²² and other State and Township regulations as the same may be amended from time to time.

§ 27-407. Off-Street Loading and Parking. [Ord. 2010-1, 1/18/2010]

Off-street loading and parking space shall be provided in accordance with the specifications in this Section in all districts whenever any new use is established or an existing one is enlarged.

1. Off-Street Loading. Every use which requires the receipt or distribution, by vehicles, of material or merchandise, shall provide off-street loading berths in accordance with its size per the following table.

Off-Street Loading Space Requirements		
Use	First Space	Second Space
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	10,000	50,000
Retail	10,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	10,000	100,000
Hotel	10,000	100,000
Residential:		
Apartment	25,000	100,000
Institutional:		

22. Editor's Note: See the Sewage Facilities Act, 35 P.S. § 750.1 et seq.

Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area for each listed use.

- A. Size and Access. Each off-street loading space shall be not less than 10 feet in uniform width and 55 feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.
2. Off-Street Parking.
 - A. Size and Access. Each off-street parking space shall have an area of not less than 180 square feet, being at least 20 feet long with a uniform width of nine feet, exclusive of access drives or aisles, and shall be in usable shape and condition. Furthermore, there shall be at least 270 square feet of parking lot area per vehicle. Except in the case of single-family and two-family dwellings, no parking area shall contain less than three spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less than 12 feet wide. Specifically, single-lane driveways shall be at least 10 feet wide but shall not exceed 12 feet, double drives (for ingress and egress) may be up to 24 feet wide. There shall be at least 15 feet between driveways at the street line and at least five feet between a driveway and a fire hydrant, catch basin, or road/street corner radius. Access to off-street parking areas shall be limited to welldefined locations, and in no case shall there be unrestricted access along a street. See also § 27-407.4, Driveways. Overnight parking of certain vehicles is prohibited. In order to maintain a residential environment, the overnight parking of a variety of larger trucks will not be allowed in the R-U and R-1 Districts. Specifically, any truck 18,000 pounds gross weight or more shall not be permitted.
 - B. Number of Parking Spaces Required. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one space for each two proposed patrons and/or occupants of that structure. Where more than one use exists on a lot, parking regulations for each use must be met. Operations which contain a mixture of operations such as one area for retail operations and one for storage (such as auto parts sales) shall provide the needed parking using a pro rata basis.

Parking

Use Spaces	Required Parking
Auto Sales and Service	1 for each 250 square feet GFA
Service Stations	1 for each 200 square feet GFA
Single-Family Dwelling and Duplex	2 per dwelling unit
Multifamily Dwelling	1.5 per dwelling unit*
Mobile Home Parks	2 per each space
Hotels and Motels	1 per guest room**
Funeral Home and Mortuaries	25 for the first parlor, 15 for each additional parlor
Hospitals	1 per each bed**
Nursing Homes	1 per each 3 beds**
Churches	1 per each 3 seats
Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 4 high school students
Sports Arenas, Stadiums, Theaters, Auditorium and Assembly Halls	1 per each 3 seats
Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area.
Roller Rinks	1 space for each 200 square feet GFA
Bowling Alleys	5 per alley
Banks and Offices	1 for each 300 square feet GFA
Medical Offices and Clinics	8 spaces per doctor
Dental Offices	5 spaces per doctor
Retail Stores	1 per each 250 square feet GFA
Fast Food/Drive-Through Restaurants	1 per each 50 GFA**
Furniture Stores	1 per each 400 square feet GFA
Food Supermarkets	1 per each 250 square feet GFA
Trailer and Monument Sales	1 per each 2,500 square feet of lot area
Restaurants, Taverns and Nightclubs	1 for each 40 square feet of public floor area
Swimming Pools (Public)	1 for each locker
Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 space for each 10,000 square feet for visitors

Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy
Day Care Services	1 space for each staff person, plus 1 for every 6 children
Beauty and Barber Shops	1 per chair*
Golf Driving Range, Miniature Golf	1.5 per tee
Shopping Centers, Shopping Plazas and Malls	1 space per each 250 square feet GFA
Personal Care Boarding Homes	1 space for each 2 guests*
Travel Trailer Parks	2 per lot

* Multifamily units devoted to the elderly shall only be required to provide 1 parking space per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

** Plus 1 space per employee and staff on major shift.

Note: GFA means gross floor area.

- C. Location and Parking. Required parking spaces shall be located on the same lot with the principal use. The Zoning Officer may permit parking spaces to be located on a lot other than that of the principal use if within 400 feet of the use. A written agreement assuring long-term (at least two years) use of the parking area shall be required and approved by the Board of Supervisors and shall be filed with the application.
 - D. Screening and Landscaping. Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of "screening") or use. In addition, there shall be a planting strip of at least five feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.
 - E. Minimum Distance and Setbacks. No off-street loading or parking area for more than five vehicles shall be closer than 10 feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.
 - F. Surfacing. With the exception of single-family and two-family dwellings, all parking and loading areas and access drives shall have a paved or oiled surface, graded with positive drainage to dispose of surface water. Parking areas larger than 10,000 square feet shall submit a plan, including drainage provisions, to the Township for approval. Lots shall be designed to provide for orderly and safe loading and parking.
 - G. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.
3. Stacking Requirements for Drive-In, Drive-Through Facilities. This Section provides stacking standards for drive-in, drive-through facilities. These may include such uses as

banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of 20 feet per auto will be used to accommodate one vehicle and minimal head space. Minimum stacking lane width is nine feet. Developers should add to these minimal standards if their business shall exceed these needs.

Use Stacking Capacity Per Drive-In Window

Restaurant 8* per drive-in window

Bank 5 per drive-in window

Car Wash 4 per wash bay

* If there are separate order and pickup windows, 4 for each shall be accepted.

For other uses, guidelines from the Institute of Transportation Engineers may be used or the written recommendations of a professional engineer.

Note: Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.

4. Driveways. This section shall apply only to the C-HLI Commercial-Light Industrial Highway District and the I Industrial District only.

A. Number of Driveways.

- (1) Only one access shall be permitted for a property, or for each 200 feet of frontage.
- (2) An additional access or accesses shall be permitted if the applicant demonstrates that an additional access or additional accesses are necessary to accommodate traffic to and from the site and it can be achieved in a safe and efficient manner.
- (3) For a property that abuts two or more roadways, the Township may restrict access to only that roadway that can more safely and efficiently accommodate traffic.
- (4) If the Township anticipates that a property may be subdivided and that the subdivision may result in an unacceptable number or arrangement of driveways, or both, the Township shall require the property owner to enter into an access covenant to restrict future access.

B. Corner Clearance.

- (1) Corner clearance shall be at least 150 feet.
- (2) Access shall be provided to the roadway where corner clearance requirements can be achieved.
- (3) If the minimum driveway spacing standards cannot be achieved due to constraints, the following shall apply in all cases:

- (a) There shall be a minimum ten-foot tangent distance between the end of the intersecting roadway radius and the beginning radius of a permitted driveway.
- (b) The distance from the nearest edge of cartway of an intersecting roadway to the beginning radius of a permitted driveway shall be a minimum of 30 feet.
- (4) If no other reasonable access to the property is available, and no reasonable alternative is identified, the driveway shall be located the farthest possible distance from the intersecting roadway. In such cases, directional connections (i.e., right in/right out only, right in only or right out only) may be required.
- (5) The Township shall require restrictions at the driveway if the Township Engineer determines that the location of the driveway and particular ingress or egress movements will create safety or operational problems.

C. Safe Sight Distance.

- (1) Sight distance shall be determined by reference to PennDOT Publications 441 and 202, or successor publications for such standards.
- (2) All driveways and intersecting roadways shall be designed and located so that the sight distance is optimized to the degree possible without jeopardizing other requirements such as intersection spacing, and at least minimum sight distance requirements are met.

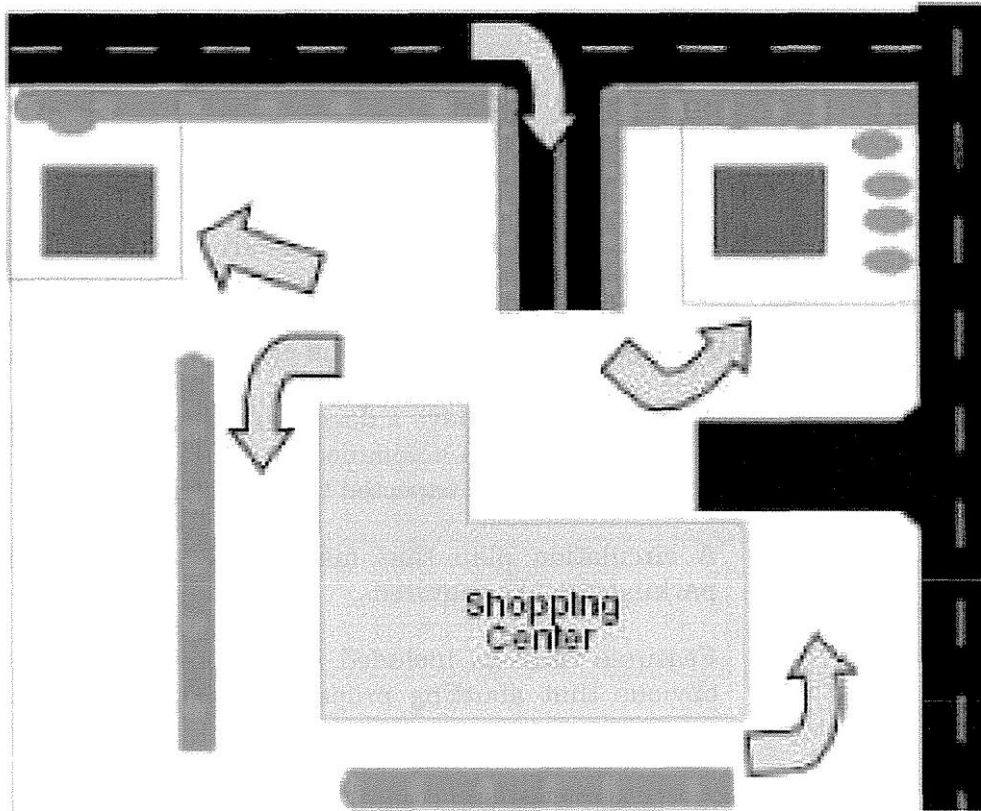
D. Driveway Channelization.

- (1) For high- and medium-volume driveways, channelization islands and medians shall be used to separate conflicting traffic movements into specified lanes to facilitate orderly movements for vehicles and pedestrians.
- (2) Where it is found to be necessary to restrict particular turning movements at a driveway, due to the potential disruption to the orderly flow of traffic or a result of sight distance constraints, the Township may require a raised channelization island.
- (3) Raised channelization islands shall be designed with criteria consistent with the latest AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets."

E. Joint and Cross Access.

- (1) The Township may require a joint driveway in order to achieve the 200-foot driveway spacing standards.
- (2) Adjacent nonresidential properties shall provide a joint or cross-access driveway to allow circulation between sites wherever feasible along roadways classified as major collectors or arterials by PennDOT. The following shall apply to joint and cross-access driveways:

- (a) A driveway shall have a design speed of 10 miles per hour and have sufficient width to accommodate two-way traffic, including the largest vehicle expected to frequently access the properties.
 - (b) A circulation plan, that may include coordinated or shared parking, shall be required.
 - (c) Features shall be included in the design to make it visually obvious that abutting properties shall be tied in to provide cross access.
- (3) The property owners along a joint or cross-access driveway shall:
 - (a) Record an easement with the deed allowing cross-access to and from other properties served by the driveway.
 - (b) Record an agreement with the Township so that future access rights along the driveway shall be granted at the discretion of the Township and the design shall be approved by the Township Engineer.
 - (c) Record a joint agreement with the deed defining the maintenance responsibilities of each of the property owners located along the driveway.
- (4) Access to Outparcels.
 - (a) For commercial and office developments under the same ownership and consolidated for the purposes of development or phased developments comprised of more than one building site, the Township shall require that the development be served by an internal road that is separated from the main roadway.
 - (b) All access to outparcels shall be internalized using the internal roadway.
 - (c) The driveways for outparcels shall be designed to allow safe and efficient ingress and egress movements from the internal road.



SOURCE: PennDOT Planning Services and Implementation
Access Management Best Practices 2003

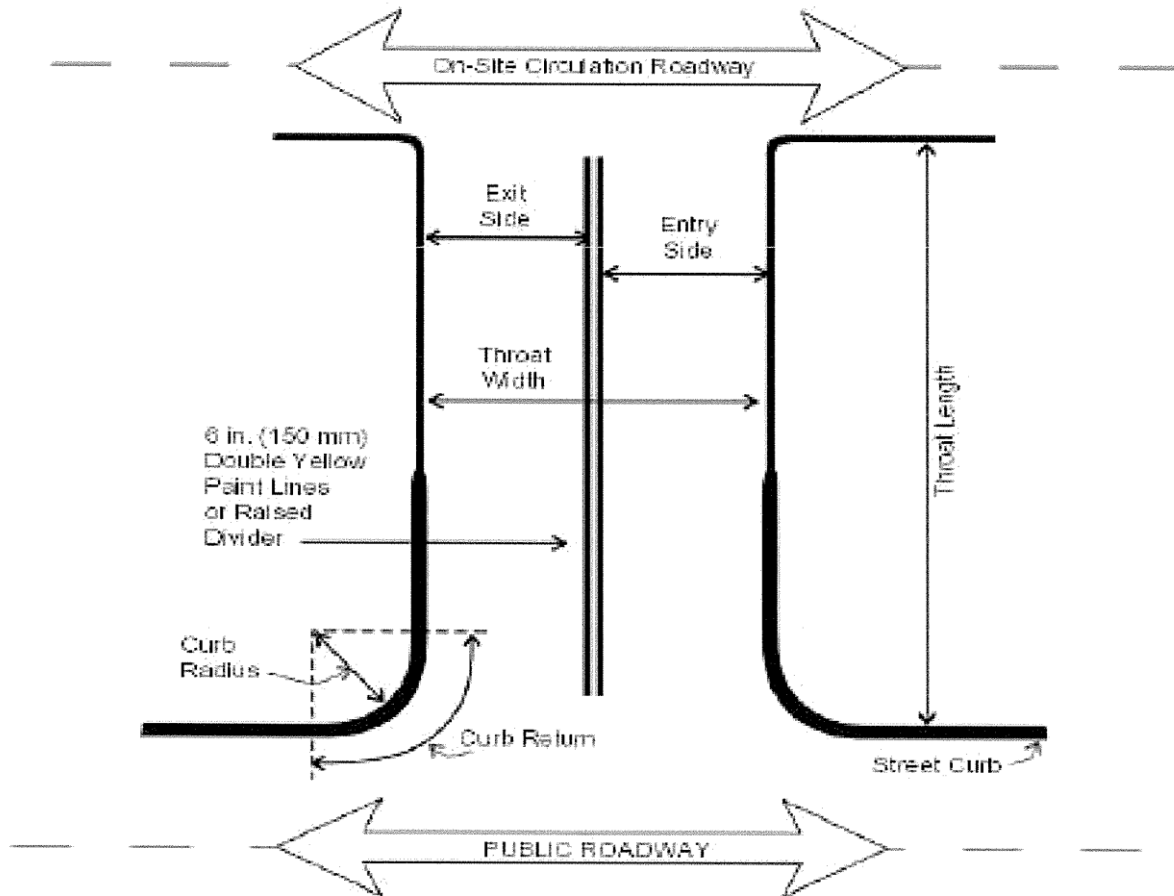
- (d) The internal circulation roads shall be designed to avoid excessive queuing across parking aisles.
- (e) The design of the internal road shall be in accordance with all other sections of this Chapter.
- (f) All necessary easements and agreements required under § 27-407.4E(3) above shall be met.
- (g) The Township may require an access covenant to restrict an outparcel to internal access only.

F. Driveway Design Elements.

(1) Driveway Throat Length.

- (a) For minimum-use driveways, the throat length shall be a minimum of 25 feet.
- (b) For low-volume driveways, the throat length shall be a minimum of 50 feet or as determined by queuing analysis.
- (c) For medium-volume driveways, the throat length shall be a minimum of 120 feet or as determined by a queuing analysis.

- (d) For high-volume driveways, the throat length shall be a minimum of 150 feet or as determined by a queuing analysis.
- (2) Driveway Throat Width.
- (a) For driveways without curb:
 - 1) A minimum-use driveway shall have a minimum width of 10 feet.
 - 2) Low- and medium-volume driveways shall have a minimum width of 10 feet for one-way operation and a minimum width of 20 feet for two-way operation.
 - 3) The design of high-volume driveways shall be based on analyses to determine the number of required lanes.
 - (b) For driveways with curb, two feet should be added to the widths contained in Subsection F(2)(a)1) and 2).
 - (c) The Township may require additional driveway width to provide turning lanes for adequate traffic flow and safety.
 - (d) The Township may require that the driveway design include a median to control movements. Where medians are required or permitted, the minimum width of the median shall be four feet to provide adequate clearance for signs.



SOURCE: PennDOT Planning Services and Implementation
Access Management Best Practices 2003

(3) Driveway Radius.

(a) The following criteria shall apply to driveway radii:

- 1) For minimum-use driveways, the radii shall be a minimum of five feet.
- 2) For low-volume driveways, the radii shall be a minimum of 10 feet.
- 3) For medium-volume driveways, the radii shall be a minimum of 15 uncurbed and 25 feet curbed.
- 4) For high-volume driveways, the design should be reviewed by the Township Engineer on Township roads and PennDOT on State-maintained roadways.

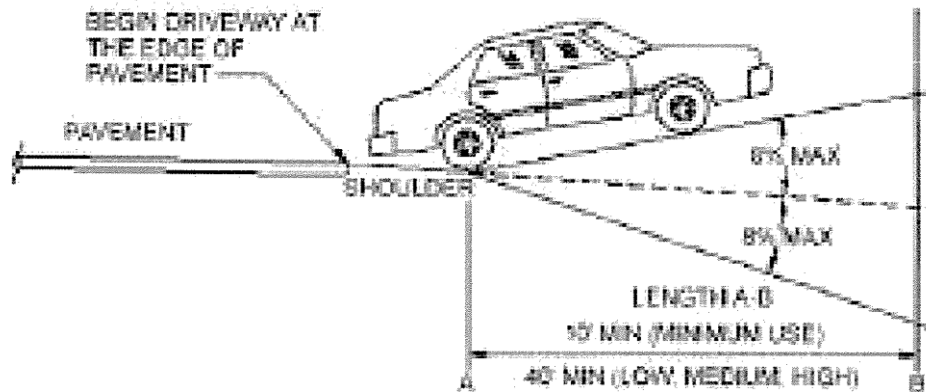
(b) For all driveways, the radii shall be designed to accommodate the largest vehicle expected to frequently use the driveway.

(c) Except for joint driveways, no portion of a driveway radius may be located on or along the frontage of an adjacent property.

(4) Driveway Profile.

- (a) Driveway grade requirements where curb is not present on the intersecting street.
 - 1) Shoulder slopes vary from 4%, to 6%. When shoulders are present, the existing slope shall be maintained across the full shoulder width.
 - 2) The change in grade between the cross slope of the connecting roadway or shoulder and the driveway shall not exceed 8%.
 - 3) The driveway grade shall not exceed 8% within 10 feet of the edge of travel lane for minimum-use driveways and within 40 feet for low-, medium-, and high-volume driveways.
 - 4) A forty-foot minimum vertical curve should be used for a high-volume driveway.
- (b) Driveway grade requirements where curbs and sidewalks are present.
 - 1) The difference between the cross slope of the roadway and the grade of the driveway apron may not exceed 8%.
 - 2) If a planted area exists between the sidewalks and curb, the following shall apply:
 - a) The grade of the planted area shall not exceed 8%.
 - b) If the driveway grade would exceed 8% in the area between the curb and the sidewalk, the outer edge (street side) of the sidewalk may be depressed to enable the driveway grade to stay within 8%. A maximum sidewalk cross slope of 2% must be the sidewalk cross slope exceeds 2%, the entire sidewalk may be depressed. The longitudinal grade of the sidewalk may not exceed 6%.

Driveway Profile



Source: TRB Access Management Manual, 2003.

- (c) Although site conditions may not allow strict adherence to these guidelines in this Chapter, every effort should be made to design and construct the safest and most efficient access onto the Township or State roadway.

§ 27-408. Signs. [Ord. 2010-1, 1/18/2010]

In Sandy Township, signs are regulated by Part 9 of this Chapter.

§ 27-409. Swimming Pools. [Ord. 2010-1, 1/18/2010]

Private swimming pools shall be permitted as an accessory use in any district. These regulations shall apply to all in-ground pools and aboveground pools 12 feet or more in diameter. The following conditions shall apply:

1. The pool shall be used solely for the personal use of the occupants of the principal use.
2. The pool, including its accessory structures, surrounding walks, patios, etc., shall not be any closer than 20 feet to any lot line.
3. Outdoor swimming pools, spas, and hot tubs shall comply with UCC regulations.

§ 27-410. Individual Mobile Homes. [Ord. 2010-1, 1/18/2010]

All mobile homes must meet all lot, yard and related requirements of the district wherein they are located. They shall also comply with UCC regulations.

§ 27-411. Dog Kennels and Veterinary Offices. [Ord. 2010-1, 1/18/2010]

Dog kennels shall be a permitted use upon the following conditions:

1. Evidence that the kennel facility has been properly inspected and licensed by a State Dog Law Officer (if required).

2. Animal runs or a kennel shall be at least 100 feet from a neighboring residential use, and in no event closer than 75 feet to any lot line.

§ 27-412. Forestry. [Ord. 2010-1, 1/18/2010]

Forestry is a permitted use in all districts. Timbering is regarded as a temporary activity of forestry on land and its environmental aspects are governed by the Pennsylvania Department of Environmental Protection. Those parties engaged in timbering shall present evidence to the Zoning Officer that necessary arrangements for the use and bonding (if necessary) of Township roads have been secured from the Board of Supervisors. All tree harvesting practices must protect nearby structures and utility lines. No uncontrolled tree felling shall be allowed in developed areas. In the R-1, C-HLI and R-U Districts, timber harvesting shall be restricted to between the hours of 7:30 a.m. and 5:30 p.m., during the workweek and shall cease at noon on Saturday. Table 306 entitled Zoning Districts is hereby amended so as to include Forestry as a permitted use in all districts.

§ 27-413. Agricultural, Animals and Poultry. [Ord. 2010-1, 1/18/2010]

It is not the intention of these regulations to restrain existing farming or agricultural activities in Sandy Township. It is, however, aimed at preventing future conflicts by requiring reasonable isolation distances from new animal-related uses and existing residential uses. Unless otherwise controlled by Township ordinance or regulation, operations involving the use of buildings and land for farming, gardening, nurseries, green-houses, riding academies, livery or boarding stables, stock raising, dairying and poultry shall be permitted in CON and R-A Districts, subject to the following safeguards and regulations:

1. Storage of manure or odor- or dust-producing substances shall not be permitted within 150 feet of any inhabited structures.
2. Buildings or structures in which animals or poultry are kept shall not hereafter be erected within 100 feet of any inhabited structure.
3. Buildings, structures, stations or other areas used to feed or water animals or poultry shall not be permitted within 100 feet of any inhabited structure, with the exception of natural springs used to water animals or poultry where it is not possible, due to ground contour or similar natural land conditions, to pipe the water to a location no closer than 100 feet from any inhabited structure.
4. A coal-fired greenhouse-heating plant shall not be operated within 100 feet of any inhabited structure.
5. The selling of agricultural commodities either raised, bred, or grown on the premises or sold in compliance with the Pennsylvania Right to Farm Act²³ shall be permitted, subject to the following provisions:
 - A. All stands or shelters used for such sales shall not be located in a road right-of-way, and such stands or shelters shall be removed during that period when not in use for

23. Editor's Note: See 3 P.S. § 951 et seq.

the display of or sale of agricultural products, unless otherwise permitted within a specific district.

- B. A license or permit shall be required before any agricultural products can be sold, with the cost of the license or permit to be set by the Board of Supervisors by resolution. The Zoning Officer is hereby authorized to deny, suspend or revoke any permit or license issued when the Zoning Officer deems such denial, suspension or revocation to be beneficial to the public health, safety or morals or for giving false information upon any application for a license or permit.
 - C. Sales of agricultural products shall conform to all Federal and State rules and regulations, including those of the United States Department of Agriculture.
 - D. The person who operates the stand or shelter and is the seller of the products must also be the owner of the premises upon which the stand or shelter is located.
6. The pasturing of all animals shall not be any closer than 50 feet to any existing residence (excluding the on-property residence).
7. For purposes of §§ 27-413.5 and 413.6, agricultural commodities are herein defined as set forth in the Pennsylvania Right to Farm Act.²⁴

§ 27-414. Convenience Stores/Service Stations. [Ord. 2010-1, 1/18/2010]

This use shall meet the following standards:

- 1. Gas/diesel pumps shall be at least 30 feet from all lot lines.
- 2. A covered canopy over pump islands shall be permitted with up to an additional 10% of lot coverage.

§ 27-415. Mineral Extraction. [Ord. 2010-1, 1/18/2010]

The Zoning Officer shall follow the criteria as set forth by § 27-308.2BB of this Chapter.

§ 27-416. No-Impact Home-Based Business. [Ord. 2010-1, 1/18/2010]

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2. The business shall employ no employees other than family members residing in the dwelling.
- 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a

24. Editor's Note: See 3 P.S. § 951 et seq.

substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

§ 27-417. Residence As a Secondary Use. [Ord. 2010-1, 1/18/2010]

In all Commercial Districts, the use of upper floors for residential uses will be permitted, provided that:

1. Off-street parking spaces for residential units, as required by § 27-407 of this Chapter, shall be provided. This parking shall be on-lot.

§ 27-418. Sawmills. [Ord. 2010-1, 1/18/2010]

1. No sawmill shall occupy a lot with an area of less than four acres.
2. If abutting residential uses, a buffer/screening area of natural foliage shall be employed. This shall be a suitable mixture of deciduous and coniferous trees and shall be 25 feet in width and capable of growing to six feet in height within two years.
3. All requirements, as needed, relative to the bonding of Township roads shall be complied with.

§ 27-419. Historic Preservation. [Ord. 2010-1, 1/18/2010]

The Township of Sandy is concerned about the preservation of historic resources. The residents of historic structures/areas are urged to prepare and submit to the Township Supervisors the needed Act 167 documentation for the establishment of an historic district. This Chapter will respect all actions taken under any Act 167 ordinance and will issue no zoning permit in conflict with same.

§ 27-420. Outdoor Lighting. [Ord. 2010-1, 1/18/2010]

1. All outdoor lighting C, I, and INT Zoning Districts shall adhere to the following standards:
 - A. They shall be full cutoff fixtures.
 - B. Light fixtures shall be no higher than 20 feet from grade level.

- C. Light fixtures shall be placed and aimed away from any abutting residential district.

§ 27-421. Dumpsters/Waste Containers. [Ord. 2010-1, 1/18/2010]

These are exterior waste containers designed to be mechanically lifted and emptied into a trash collection vehicle. Such containers shall:

1. Be to the rear of the principal building.
2. Be of sufficient size to accommodate the required trash receptacle.
3. Be surrounded on three sides by an opaque wall or fencing completely hiding the trash receptacle. The fourth side shall consist of a gate, which will effectively hide the trash receptacle.

§ 27-422. Traffic Impact Studies. [Ord. 2010-1, 1/18/2010]

If required by any of the provisions of this Chapter, traffic impact studies shall follow these standards:

1. Traffic impact studies shall be required when the expected volume of traffic exceeds 3,000 vehicles per day, or generates over 100 new peak hour trips or when PennDOT study warrants are met. Traffic volumes will be estimated based upon the Traffic Generation Report of the Institute of Transportation Engineers (ITE), most recent edition.

2. Study. In general, these studies should include²⁵:

Introduction and Summary
Proposed Development
Area Conditions
Projected Traffic (by year)
Traffic Analysis
Findings and Conclusions
Recommendations

3. A traffic impact analysis may be required if it meets the guidelines set forth by "Policies and Procedures for Transportation Impact Studies," PennDOT, January 28, 2009, or its successor document.
4. Preparation of such study or analysis shall be by a professional traffic engineer.

§ 27-423. Residential Wind Turbines. [Ord. 2010-1, 1/18/2010]

These are devices used to convert wind energy for individual residential or farm usage. Such devices are allowed in the R-A (Residential Agricultural District) and the CON (Conservation and Recreation Districts.) They must be behind the principal structure and observe all yard setbacks.

²⁵. For details of the study content, please see Table 3-7, pages A3-19 and 3-20, of Transportation and Land Development, (ITE), 2006, or the most recent edition of that reference, and PennDOT guidelines (see below).

Part 5
ADMINISTRATION AND ENFORCEMENT

§ 27-501. Zoning Officer. [Ord. 2010-1, 1/18/2010]

The Township of Sandy shall appoint the Zoning Officer who shall administer and enforce the provisions of this Chapter and shall do so in accordance with the provisions of this Chapter and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Parts 8 and 9 of this Chapter. The Zoning Officer shall not hold any elective office in the Township.

§ 27-502. Duties of the Zoning Officer. [Ord. 2010-1, 1/18/2010]

The Zoning Officer shall administer this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. The Officer shall be considered as qualified to perform his duties by meeting the qualifications established by the Township. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

1. Application for Building/Zoning Permits. The Zoning Officer shall receive applications for building/zoning permits. A building/zoning permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this Chapter and other applicable Township ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.
2. Inspections. The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a building/zoning permit or a zoning certificate has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of a certificate of occupancy.
3. Permits, Applications, Appeals and Certificates. The Zoning Officer shall issue or deny such permits or certificates as required by this Chapter where no other body is involved; shall receive all applications for conditional uses, special exceptions and variances and forward same to the appropriate body. Said applications shall be on forms as approved by the Supervisors or the Board, as appropriate, and shall be accompanied by a fee as set by the Township. It is the intent of the Chapter that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals, special exceptions and variances shall be within such time limits as shall be set by the Board. The filing of conditional uses shall follow procedures set forth by the Board of Supervisors.
4. Enforcement. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Chapter.

§ 27-503. Permits and Certificates. [Ord. 2010-1, 1/18/2010]

1. Building Permits. An application for a building permit will be to show compliance with

this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications, shall be determined by the Township. Permits issued shall be valid for one year only. If construction does not begin in one year, then a new permit must be secured. In addition to the general requirements for all building permits, permits for commercial/industrial or manufacturing activities shall submit the following material to afford the Zoning Officer a reasonable basis upon which to judge the conformity of the proposed development to this Chapter.

- A. Owner, architect, engineer, contact person.
 - B. General description of development.
 - C. Plot/site plan showing:
 - (1) Adjacent properties, including ownership.
 - (2) Proposed development with building footprint, setback lines, parking/loading areas and design, lighting, road access and related material.
 - (3) Provisions for water and sanitary sewer service.
 - (4) Stormwater management plan.
 - (5) Sedimentation and erosion plans.
 - D. Approvals, or status of permits for above elements, including needed driveway or access road permits from the Pennsylvania Department of Transportation and the Township.
 - E. Plans/descriptions of controls relative to performance standards, § 27-406.
 - F. Projected employment.
 - G. Evidence that the development meets appropriate State regulations such as those of the Department of Labor and Industry.
2. Certificate of occupancy. A certificate of occupancy shall be required prior to the occupancy or use of any vacant land or prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the certificate of occupancy is to confirm that the development described in the building permit application has been completed in compliance with the application and this Chapter. Certificates of occupancy shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. Certificates of occupancy shall be issued for these said changes, provided that there is Planning Commission review in accordance with the procedures set forth in Subsection 1 of this Section.
3. Zoning Certificate. The zoning certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Chapter. The exact form of the certificate and fees charged shall be determined by the Township. Upon

request, the Zoning Officer shall issue a certification of nonconformance. When the Zoning Officer can determine such nonconformity is consistent with the regulations of this Ordinance, such certification will be issued. If the Zoning Officer cannot make such a determination, then the request for a certificate shall be denied. This decision can be appealed to the Zoning Hearing Board.

4. Sign Permit. See Part 9.

§ 27-504. Violations. [Ord. 2010-1, 1/18/2010]

1. Enforcement Notice. When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor. The enforcement notice shall state the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
2. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to

the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township of Sandy. No such action may be maintained until such notice has been given.

3. Jurisdiction. Magisterial District Judges shall have initial jurisdiction over proceedings brought under this Section.
4. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 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 payable until the date of the determination of a violation by the Magisterial District Judge. 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 Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this Section.

§ 27-505. Township Supervisor's Functions; Conditional Uses. [Ord. 2010-1, 1/18/2010]

1. Where the Township Supervisors, in this Chapter, have stated conditional uses to be granted or denied by the Township Supervisors pursuant to express standards and criteria, the Township Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Board, or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.
2. The Township Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Township Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Chapter, the

Pennsylvania Municipalities Planning Code, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

3. Where the Township Supervisors fail to render the decision within the period required by this Section or fail to commence, conduct or complete the required hearing as provided in § 908(1.2) of the Municipalities Planning Code (§ 27-607.3 of this Chapter), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Township Supervisors to meet or render a decision as herein-above provided, the Township Supervisors shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter and the Pennsylvania Municipalities Planning Code. If the Township Supervisors shall fail to provide such notice, the applicant may do so.
4. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

§ 27-506. Provisions for Optional Notices. [Ord. 2010-1, 1/18/2010]

In accordance with the provision of Act 39 of 2008 and Section 108 of the Pennsylvania Municipalities Planning Code,²⁶ the Township of Sandy may publish a notice of municipal action. This notice shall include amendments to this Chapter or certain decisions that have been entered under this Chapter. Typically, these would be the approval of conditional uses or special exceptions. Such notices shall include, among other items, any amendments to this Chapter or the Zoning Map, decisions concerning conditional uses or special exceptions or any other decision as defined by Sections 107 and 108 of the Pennsylvania Municipalities Planning Code. Such notices are intended to set limits on the time for certain challenges.

1. Content of a Notice of Municipal Action Relating to This Chapter.
 - A. Municipal ordinance number, name, and a brief statement of the content of the ordinance.
 - B. Address of the Township building and time when the ordinance can be read or viewed by the public.
2. Content of a Notice of a Decision Entered Under This Chapter: Said notice shall contain:
 - A. The name of the applicant or owner of the subject property.
 - B. Street address, location of the property.
 - C. The type of decision and the file or docket number of the decision.
 - D. A brief description of the nature of the decision.

26. Editor's Note: See 53 P.S. § 10108.

- E. The date of the decision.
 - F. Address and business hours of the Township building where the decision can be read by the public.
- 3. Statement of Purpose. Notices provided under this Section shall contain the following statement:
 - 3. The publication of this announcement is intended to provide notification of the adoption of an ordinance or entering a decision and that any person claiming a right to challenge the validity of the adoption process relative to said ordinance or decision must bring a legal action within 30 days of the publication of the second notice on this matter. (See Section 108, Optional Notice of Ordinance or Decision; Procedural Validity Challenges, of the Planning Code and related material per Act 39 of 2008.)
 - 4. Notice. This notice shall be published in a newspaper of general publication once each week for two successive weeks. The dates of publication shall be included in the notice.
 - 5. Proof of Publication. The Township shall obtain and keep in its records a proof of publication of the notice.

Part 6

ZONING HEARING BOARD

§ 27-601. Creation. [Ord. 2010-1, 1/18/2010]

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of three residents of the Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said code and as herein further provided. It is the intention of the Township of Sandy that the existing Zoning Hearing Board be reappointed as the Zoning Hearing Board as required by this Chapter.

§ 27-602. Appointment. [Ord. 2010-1, 1/18/2010]

The terms of office of the Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township nor be a member of the Planning Commission. The Board of Supervisors shall also appoint one alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code. It is the intention of this Chapter that the currently constituted Zoning Hearing Board of the Township of Sandy shall be continued and the same members are hereby appointed to the Zoning Hearing Board created by the ordinance with the same terms as were provided under the previous ordinance.

§ 27-603. Removal of Members. [Ord. 2010-1, 1/18/2010]

Any 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 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 27-604. Organization of Board. [Ord. 2010-1, 1/18/2010]

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where three members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in § 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

§ 27-605. Expenditures for Services. [Ord. 2010-1, 1/18/2010]

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§ 27-606. Legal Counsel. [Ord. 2010-1, 1/18/2010]

Where legal counsel is desired, an attorney, other than the Township Solicitor, shall be used.

§ 27-607. Hearings. [Ord. 2010-1, 1/18/2010]

The Board shall conduct hearings and make decisions in accordance with the following requirements.

1. Notice shall be given to the public by notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than seven days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

3. The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. The applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
4. The hearings shall be conducted by the Board, or the Board may appoint any member or an independent attorney as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
5. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
6. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
9. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
10. The Board or the hearing officer shall not communicate, directly or indirectly, with any

party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

11. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Chapter or the Planning Code or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under § 916.1 of the Municipalities Planning Code, where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection 3 of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days in the same manner as provided in the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
12. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§ 27-608. Board's Functions. [Ord. 2010-1, 1/18/2010]

1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §§ 609.1 and 916.1(a)(2) of the Planning Code.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be

taken directly to court.

3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4. 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.
5. 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 Planning Code and § 27-608.9 of this Chapter.
6. Applications for special exceptions under this Chapter or the Flood Plain Ordinance (Chapter 8). See also § 27-608.10.
7. Appeals from the Zoning Officer's determination under § 916.2 of the Planning Code.
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 stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
9. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer.
 - A. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefor necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the applicant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Chapter.
10. Special Exceptions. The Board shall hear and decide requests for such special exceptions in accordance with the standards and criteria of this Chapter. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Planning Code and this Chapter.

§ 27-609. Parties Appellant Before Board. [Ord. 2010-1, 1/18/2010]

Appeals under § 27-608 and proceedings to challenge this Chapter under § 27-608 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under § 27-608 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 27-610. Time Limitations; Persons Aggrieved. [Ord. 2010-1, 1/18/2010]

No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also § 914.1 of the Planning Code.

§ 27-611. Stay of Proceedings. [Ord. 2010-1, 1/18/2010]

Upon filing of any proceeding referred to in § 913.3 of the Pennsylvania Municipalities Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also § 915.1 of the Planning Code.

Part 7
Amendments

§ 27-701. General. [Ord. 2010-1, 1/18/2010]

The Board of Supervisors may introduce and/or consider amendments to this Chapter and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission,

or by a petition of a person or persons residing or owning property within the Township.

§ 27-702. Petitions. [Ord. 2010-1, 1/18/2010]

Petitions for amendments shall be filed with the Zoning Officer, and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Township.

§ 27-703. Referral. [Ord. 2010-1, 1/18/2010]

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township of Sandy Planning Commission and the Clearfield County Planning Commission shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the Township and County Planning Commissions.

§ 27-704. Action. [Ord. 2010-1, 1/18/2010]

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted along the tract in accordance with § 609 of the Planning Code at least one week prior to the date of the hearing. In addition to the requirement that notice be posted, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A goodfaith effort and substantial compliance shall satisfy the requirements of this Section. This Section shall not apply when the rezoning constitutes a comprehensive rezoning. In addition, a "Notice of Intent to Adopt" will be given in accordance with Section 610 of the Pennsylvania Municipalities Planning Code.

§ 27-705. Curative Amendments. [Ord. 2010-1, 1/18/2010]

A landowner who desires to challenge on substantive grounds the validity of this 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 Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in § 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The Board of Supervisors shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Township of Sandy Planning Commission and the Clearfield County Planning Commission at least 30 days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance

with applicable provisions of the Planning Code. The hearing shall be conducted in accordance with § 908 of the Municipalities Planning Code, and all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Board of Supervisors; provided, however, that the provisions of § 908(1.2) and (9) of the Municipalities Planning Code.

(§ 27-607.3 and 11 of this Chapter) shall not apply and the provisions of § 916.1 of the Municipalities Planning Code shall control. The findings, actions and considerations of the Board of Supervisors shall be in accordance with § 609.1 of the Planning Code. The Township may institute a municipal curative amendment in accordance with § 609.2 of the Planning Code.

Part 8

PLANNED RESIDENTIAL DEVELOPMENT

§ 27-801. Planned Residential Development. [Ord. 2010-1, 1/18/2010]

1. Purpose. The purpose of the planned residential development (PRD) regulations is to encourage the flexibility in the design and development of land in order to promote its most appropriate use; to encourage grouping of housing and a mixture of housing types in alternative patterns and in a variety of ways; to facilitate the adequate and economical provision of streets and utilities; to encourage true neighborhood and community through the addition of mixed uses; and to preserve the natural and scenic qualities of open areas. Planned residential developments are permitted in the R-A and R-U Districts. It is not the purpose of such developments to create new and independent units of government. Such matters are covered by Commonwealth law outside of the Planning Code. An acknowledgement of this fact shall be included in the application for final approval, along with an agreement not to seek separate legal status as a separate municipality.
2. Treasure Lake is an existing PRD in Sandy Township. Part of the purpose of this Part is to allow for changes, amendments or modifications of that development consistent with the spirit of the previous zoning ordinance, which governed the development of Treasure Lake, as well as development documents related to Treasure Lake. It is the purpose of Sandy Township to allow for future development of this important PRD realizing the interests of current residents of Treasure Lake and the objectives of Sandy Township as a whole.

§ 27-802. Community Development Objectives. [Ord. 2010-1, 1/18/2010]

1. Extend greater opportunities for traditional community living, working, housing, and recreation to all citizens and residents of the Township.
2. Encourage a more efficient use of land and public services and to reflect changes in technology of land development and by directing new development in a traditional pattern of mixed and multiple-use and varied housing types.
3. Provide a procedure which can relate the type, design, and layout of residential development to the particular site, the particular demand for housing existing at the time of development, and to the Township's goal of encouraging residential/mixed-use development in a manner consistent with the preservation or enhancement of property values within existing zoning districts.
4. Ensure that the increased flexibility and design specificity of regulations over land

development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

5. Preserve the remaining rural, historic, and agricultural character of the community by directing new development to appropriate locations and minimizing the visual impact of development upon the view sheds from the public roadway.
6. Promote the creation of developments that are identifiable in the landscape, surrounded by open space, and help preserve sensitive natural features.
7. Allow future development in the Treasure Lake PRD that is compatible with past development.

§ 27-803. Applicability of Part. [Ord. 2010-1, 1/18/2010]

1. The provisions of this Part are a furtherance of the land use and development controls of land in the Township. This Part shall not affect any of the provisions of the Township Subdivision and Land Development Ordinance (Chapter 22) or this Chapter as they apply to the Township as a whole. After a development plan is duly filed, approved, and recorded under the provisions of this Part, the land area included in the development plan shall be governed by the provisions of this Part with the exception that provisions of the Township Subdivision and Land Development Ordinance (Chapter 22) and this Chapter specifically referenced within this Part shall also apply.
2. Application to Existing Planned Residential Developments. The provisions of this Part shall also apply to existing planned residential developments where no approved development plan exists. In such instances, the Township shall allow for design flexibility so additional development shall be consistent with the existing design of the PRD, but such new development will be required to follow the same approval, modification provisions that are set forth in this Chapter.

§ 27-804. Basis for Consideration. [Ord. 2010-1, 1/18/2010]

1. Consideration for approval or disapproval of a planned residential development shall be based on and interpreted in light of the effect of the development on the Comprehensive Plan of the Township, and in light of the effect of the development on the use of the property adjacent to and in the areas close to the planned residential development.
2. This Section shall not be construed to mean the developer of a planned residential development can by right merely meet the standards set herein. These standards and requirements are minimums only. The Township Supervisors may require more stringent standards, based on the specific and unique nature of the site and the surrounding areas, in order to protect the health, safety, and welfare of the citizens of the Township. In cases where additional standards are necessary for a specific site, this Chapter and the Township Subdivision and Land Development Ordinance (Chapter 22) shall apply towards the site until the proposed development plan has been filed, approved, and recorded having met these additional standards.

§ 27-805. Modifications. [Ord. 2010-1, 1/18/2010]

1. The Township Supervisors may permit the modification of the provisions of this Part, including but not limited to provisions relating to the percentage of types of dwelling units and the amount of commercial development increases in density or similar modifications, in order to encourage planned residential developments. Generally, the design criteria in this Part is intended to be used for new PRDs. See § 27-820.5 for criteria relative to the Treasure Lake PRD. Any modification of the requirements of this Section shall be subject to the following standards:
 - A. The design and improvement of the planned residential development shall be in harmony with the purpose and intent of this Section.
 - B. The design and improvement of the planned residential development shall generally enhance the development plan, or in any case not have an adverse impact on its physical, visual, or spatial characteristics.
 - C. The design and improvements of the planned residential development shall generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.
 - D. The modification shall not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed planned residential development.
 - E. The proposed modification shall not result in any danger to the public health, safety, or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air, or by violating the other purposes for which zoning ordinances are to be enacted.
 - F. Landscaping and other methods shall be used to insure compliance with the design standards and guidelines of this Section.
 - G. The minimum lot size of any lot to be created shall not be reduced below the requirements of this Section.
 - H. The landowner shall demonstrate that the proposed modifications will allow for equal or better results and represents the minimum modification necessary.
2. If the Board of Supervisors determines that the landowner has met his burden, it may grant a modification of the requirements of this Section. In granting modifications, the Board of Supervisors may impose such conditions as will, in its judgment; secure the objectives and purposes of this Section.

§ 27-806. Minimum Development Size. [Ord. 2010-1, 1/18/2010]

Because a planned residential development may be permitted in the R-A and R-U Zoning Districts, no planned residential development may include less than 50 acres of contiguous land.

§ 27-807. General Standards. [Ord. 2010-1, 1/18/2010]

The planned residential development must meet all of the following general standards:

1. The planned residential development is consistent with the comprehensive plan and this Chapter's Statement of Community Development Objectives.
2. The planned residential development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, wooded cover, rough terrain, and similar areas.
3. The planned residential development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
4. Performance bond for all improvements in the development must be posted as required in the Sandy Township Subdivision Ordinance (Chapter 22).
5. Except as may be provided in this Chapter and the Planning Code, PRDs shall comply with all applicable Township ordinances and regulations.

§ 27-808. Utility Services. [Ord. 2010-1, 1/18/2010]

Planned residential developments of over 35 housing units shall provide community water and sewer. This may be provided by connection to the City of DuBois' system, another municipal system, a shared system for all housing units, or any combination thereof. Approval of the planned residential development shall be contingent upon Pennsylvania Department of Environmental Protection approval.

§ 27-809. Common Open Spaces. [Ord. 2010-1, 1/18/2010]

A minimum portion of the planned residential developments must be devoted to open space uses. These uses may be any combination or single use listed below:

1. Timber management and forestry.
2. Agricultural operations.
3. Equestrian activities by community residents.
4. Cemeteries (with approval of Board of Supervisors).
5. Golf courses.
6. Scenic areas and vistas.
7. Fishing, hunting, wildlife observation and similar outdoor recreational pursuits.
8. Developed parklands.

§ 27-810. Peripheral Open Space. [Ord. 2010-1, 1/18/2010]

To minimize conflicts with neighboring uses, a minimum of 6% of the total planned residential development shall be reserved as peripheral open space. This shall not include a fifty-foot buffer yard required around the development. This space shall surround the entire development. It may

be owned by a single party, land trust, government, homeowners' association, or individual homeowners, provided that means are emplaced to ensure this peripheral area remains undeveloped in perpetuity. If the lands are to be developed as parklands or golf courses, the developer shall submit a plan for a homeowners association or similar management structure to assure maintenance in perpetuity.

1. Unless devoted to agricultural operations or containing natural vegetation of suitable size, this peripheral open space shall be surrounded by a buffer/screening yard of at least 50 feet in width.
2. If the peripheral open space contains means for the preservation of prime active farmlands, the peripheral space does not need to completely surround the development.

§ 27-811. Interior Open Space. [Ord. 2010-1, 1/18/2010]

1. Certain lands shall also be reserved as interior open space, for any of the uses outlined in § 27-809. Unless devoted to agricultural operations, these areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity.
2. Interior open spaces may be small areas spaced throughout the community or a single large area. If the latter option is chosen, the interior space shall be emplaced so it is equidistant from all residential areas, allowing for some deviation due to topography, drainage, and overall configuration of the planned residential development.
 - A. Minimum area for interior open space: 10%.
 - B. If means are taken to ensure the preservation of scenic vistas, prime active farmlands, or unique natural features, the Township Supervisors may reduce the total percentage of open space to 9%.
 - C. If small, commonly held interior open spaces are employed, no such space shall have an area of less than 5,000 square feet.
 - D. If the peripheral open space exceeds 10% of the total development, interior open space may be reduced to 5%.

§ 27-812. Standards for Commercial Development Within a Planned Residential Development. [Ord. 2010-1, 1/18/2010]

Retail businesses, professional offices, and similar uses will be permitted, provided that:

1. All such businesses will be readily accessible by foot and motor vehicle to residential development in the planned residential development, via the community's internal transportation system. These commercial areas shall be on the perimeter of the development on a State highway or arterial or collector as identified by the Township of Sandy Comprehensive Plan. A mounded buffer area of at least 50 feet in width shall be appropriately maintained to shield abutting residences from the increased traffic and noise. These mounds shall be uniform in shape and at least 10 feet above the average elevation of the surrounding ground. The required buffer area shall not be required between the business area of the PRD and the access road.

2. Where feasible, all parking areas shall be located to the rear of structures.
3. To ensure natural drainage of storm runoff and prevention of overflow of the sanitary sewer, all parking areas shall contain a minimum of five feet of its perimeter maintained in plantings. In addition, parking lots over 50,000 square feet shall devote at least 8% of the total area to interior planting strips. All parking requirements of this Chapter must be met. [See also the Sandy Township Stormwater Management Ordinance (Chapter 26).]
4. To encourage flexibility of design and maximum land utilization, lot and yard standards otherwise applicable in the zoning districts are waived within the planned residential development for commercial and related uses. However, maximum building height shall not exceed three stories. Residential development may exceed three stories if compliance with safety regulations, especially the Pennsylvania Department of Labor and Industry, are met and the design is compatible with nearby development.
5. All signage shall conform to the Township Zoning Ordinance.
6. The total size of the commercial development shall not exceed in size 10% of the total area of the proposed development. In addition, commercial development must be concurrent with, or after, the development of residential areas of the PRD, but may not precede same.

§ 27-813. Standards for Residential Development Within a Planned Residential Development.
[Ord. 2010-1, 1/18/2010]

1. The density of residential units shall generally decrease from the interior of the planned residential development. Peripheral areas shall only be devoted to single-family dwellings, open space or nonresidential uses.
2. Institutional uses, such as churches and community centers, may be freely spaced throughout the development as long as such facilities are reasonably accessible through the planned residential development's street system.
3. To minimize impervious surfaces, control traffic, and ensure public safety, the maximum cartway of any residential street shall be 20 feet in width, and the minimum cartway shall be 18 feet. Curbed streets shall follow the design criteria of the Sandy Township Subdivision and Land Development Ordinance (Chapter 22). Entrance roads shall be adequate in size and design to accommodate expected traffic volumes.
4. To the maximum extent possible, the residential street system shall parallel existing fence rows, tree lines, and similar natural features.
5. Unless unavoidable due to natural conditions, culs-de-sac and dead-end streets shall be avoided. Some design flexibility shall be provided for existing PRDs. However, street design should discourage the through traffic of vehicles.
6. Area and Bulk Regulations. Regardless of the district in which the planned residential development is located, the following standards shall apply to residential and institutional uses:

Table 813(6)

Area and Bulk Regulations

	Single-Family Dwellings		Multi-Institutional/ Community Uses
Minimum Lot Area	10,000 square feet	Minimum of 10,000 square feet or 4,000 square feet/D.U.	20,000 square feet
Minimum Lot Width	65 feet	80 feet/D.U.	100 feet
Minimum Side Yard	10 feet	15 feet	25 feet
Maximum Building Coverage	30%	35%	35%
Minimum Front Yard	30 feet	20 feet	20 feet
Minimum Rear Yard	20 feet	20 feet	55 feet
Maximum Building Height	3 stories	3 stories	3 stories*

* Excluding church steeples, bell towers and similar protuberances.

§ 27-814. Applicable Districts and Uses Permitted. [Ord. 2010-1, 1/18/2010]

Planned residential developments may be approved in the R-A and R-U districts and may include the following additional uses: multiple-family dwellings, community clubs, churches, commercial activities, professional offices and related uses. Such uses shall be allowed only to the extent that the Township finds them to be designed to serve primarily the residents of the planned residential development or are compatibly and harmoniously incorporated into the design of the planned development. New mobile home subdivisions and mobile home parks are excluded from the planned residential development district. [See Township Subdivision Ordinance (Chapter 22).]

§ 27-815. Application for Tentative Approval of Planned Residential Development. [Ord. 2010-1, 1/18/2010]

In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions of this Chapter, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all

procedures with a planned residential development and the continuing administration thereof shall utilize the following provisions:

1. An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.
2. The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee as is specified by the Township. The application shall be filed with the Zoning Officer.
3. All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Township Supervisors with the advice of the Planning Commission.
4. The provisions shall require only such information in the application as is reasonably necessary to disclose to the Township of Sandy:

A. General Data.

- (1) Name of proposed planned residential development.
- (2) North point.
- (3) Graphic scale and legend describing all symbols shown on the plan.
- (4) Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
- (5) Name and address of the owner and deed book and page numbers of the deeds conveying the property to the owner. Name of the developer and his or her billing address (if different).
- (6) Name, address and seal of the individual or firm preparing the plan.
- (7) Names of abutting property owners, tax parcel numbers, and their deed book and page numbers.
- (8) Key map showing the location of proposed planned residential development and all roads within 5,000 feet therefrom.
- (9) Clearfield County tax parcel numbers of all parcels included in the planned residential development.
- (10) A certification of ownership and plan acknowledgment signature block.
- (11) An offer of dedication signature block.
- (12) Township approval signature block.
- (13) Recorder of Deeds signature block.

B. Existing Features.

- (1) Perimeter boundaries of the total property showing bearings to the nearest minute and distances to the nearest hundredth of a foot.
 - (2) Total acreage of the property and total square feet within each lot of the development.
 - (3) Natural features, including sinkholes, watercourses, tree masses and unique vegetation or natural features; floodplain, steep slope and critical groundwater recharge areas; topographic contour lines at vertical intervals of 10 feet.
 - (4) Existing features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, rail-roads, buildings, streets, including right-of-way and cartway widths and approximate grades, development of abutting properties, including local and types of uses.
 - (5) Land under current agricultural uses, including cultivated fields, orchards, pastures and similar uses.
- C. Proposed Development. The planned residential development is envisioned as an area in which an integrated development will occur which incorporates a variety of land uses permitted within the district. The respective areas of the master plan devoted to specific residential and commercial uses should be shown and, within each area, the following should be included.
- (1) The appropriate location and use of buildings and other structures (all area dimensions shall be indicated in square feet).
 - (2) The approximate location and area of driveways and parking and loading areas.
 - (3) The approximate property lines of lots to be subdivided, measured to the nearest foot.
 - (4) The approximate location of sidewalks and bike- or footpaths.
 - (5) The approximate location of utility and drainage easements.
 - (6) The approximate location and pipe diameter of sewer and water mains.
 - (7) The approximate location of fire hydrants.
 - (8) Perimeter setbacks and required buffer yards.
 - (9) Street information, including location and width of right-of-way and cartway, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one inch equals 50 feet horizontal and one inch equals five feet vertical.
 - (10) A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.
 - (11) A general grading plan showing any major alterations to the topography of the site.
 - (12) The approximate location and area of proposed common open space, including

the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes.

- (13) A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase.
 - (14) The total area devoted to each use, the number of residential units, the percentage of each type of use and the total floor area in the development and in each phase.
 - (15) The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development and each phase or section. The calculations of impervious surface in the development and in each phase.
 - (16) The total area devoted to planned recreational use throughout the entire development and in each phase.
- D. The following information should be included with a narrative statement submitted with the master plan:
- (1) A statement of the ownership of all of the land included within the master plan.
 - (2) An explanation of the design pattern of the planned residential development.
 - (3) A statement describing any proposed innovative design concepts included in the plan.
 - (4) The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.
 - (5) A description of the form of organization proposed to own and maintain the common open space, recreational facilities or other common facilities.
 - (6) A statement of the proposed use and improvement of common open space and recreational facilities, and prime or active farmlands.
 - (7) A description of proposals to preserve natural features and existing patterns and detention pond areas. The plan should include preliminary pond sizing calculations.
- E. Development Schedule. When it is anticipated that development pursuant to an approved master plan will occur in phases over a period of years, the following shall be included with the application for master plan approval:
- (1) The phases in which the land development will be submitted for final land development approval and the approximate date when each phase will be

submitted for final plan approval.

(2) The approximate date when each phase will be completed.

- F. Any phase of development pursuant to an approved master plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.
- G. If development pursuant to a master plan is to be done in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall be in general proportion to residential and nonresidential density requirements.

H. Transportation Impact Report.

(1) A transportation impact report shall be prepared by a qualified professional and include the following:

(a) Analysis and description of existing conditions and traffic volumes for the external road network serving the site. The external road network to be studied shall be determined by the municipality prior to the master plan review.

(b) The analysis shall contain recommended internal and off-site road improvements. These recommended improvements should be specific as to location and scope of work required along with a phased schedule for implementation. Examples of additional items that should be included in this section are:

1) Typical sections for each category of street; and

2) A phasing plan which delineates the street improvements that will be provided simultaneously with the construction of each development phase.

(c) See also § 27-422.

- 5. The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the municipality.
- 6. The application for tentative approval shall be forwarded to the Sandy Township Planning Commission for its review and comments. The Planning Commission shall have 35 days, from the date of filing, to complete its review and make recommendations to the Township Supervisors. A copy shall also be forwarded to the Clearfield County Planning Commission in accordance with the Planning Code.

§ 27-816. Public Hearings. [Ord. 2010-1, 1/18/2010]

- 1. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Chapter, a public hearing, pursuant to public

notice, on said application shall be held by the Township of Sandy in the manner prescribed in the Pennsylvania Municipalities Planning Code.

2. The Township Supervisors may continue the hearing from time to time and, where applicable, may refer the matter back to the Planning Commission for additional review; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

§ 27-817. Findings. [Ord. 2010-1, 1/18/2010]

1. The Township Supervisors, within 60 days following the conclusion of the public hearing provided for in this Part or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication to the landowner, either:
 - A. Grant tentative approval of the development plan as submitted.
 - B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
 - C. Deny tentative approval to the development plan.
2. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Township notify such Township Supervisors of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
3. 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 set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity 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:
 - A. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township of Sandy.
 - B. 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.
 - C. 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.

- D. 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.
 - E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
 - F. 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.
4. In the event a development plan is granted tentative approval, with or without conditions, the Township 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 12 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 12 months.

§ 27-818. Status of Plan After Tentative Approval. [Ord. 2010-1, 1/18/2010]

1. The official written communication provided for in this Section shall be certified by the Municipal Secretary of the Township Supervisors and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and shall be noted on the Zoning Map.
2. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.
3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body 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 to be revoked, and all that portion of the area included in the development plan for which final approval has not been given

shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Municipal Secretary of the Township.

§ 27-819. Application for Final Approval. [Ord. 2010-1, 1/18/2010]

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the municipality designated by the ordinance within one year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by this Chapter, as well as any conditions set forth in the official written communication at the time of tentative approval. The application for final approval shall contain the same information as that required for tentative approval (see § 27-815). A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required, provided the development plan or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the Township Supervisors. This review is to take place in 35 days. A copy of this application shall also be sent to the Clearfield County Planning Commission in accordance with the Planning Code.
2. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Township shall, within 45 days from the date of the regular meeting of the Planning Commission, next following the date the application is filed, grant such development plan final approval; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the forty-five-day period shall be measured from the 30th day following the day the application has been filed.
3. In the event that the development plan as submitted contains variations from the development plan given tentative approval, the Township may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of the Planning Commission, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the forty-five-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:
 - A. Refile his application for final approval without the variations objected; or
 - B. File a written request with the approving body that it hold a public hearing on his application for final approval.
4. If the landowner wishes to take either such alternate action he may do so at any time within

which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Section for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Township shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Chapter. Failure of the Township Supervisors to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this Section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

5. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in § 508 of the Pennsylvania Municipalities Planning Code, of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of § 513(a) and post financial security in accordance with § 509 of the Pennsylvania Municipalities Planning Code.
6. 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 Township in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in § 508 of the Pennsylvania Municipalities Planning Code 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 the Sandy Township Zoning Ordinance in the manner prescribed for such amendments in Part 7.

§ 27-820. Enforcement and Modification of Provisions of the Plan. [Ord. 2010-1, 1/18/2010]

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance

of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions:

1. The provisions of the development plan relating to:
 - A. The use, bulk and location of buildings and structures.
 - B. The quantity and location of common open space, except as otherwise provided in this Chapter.
 - C. The intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.
2. All provision of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.
3. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
 - A. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.
 - B. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Township Supervisors, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Chapter, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.
4. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

5. As noted in § 27-801 of these regulations, Treasure Lake is an existing PRD in Sandy Township. It is expected that future development to Treasure Lake will take place and modifications to its original plans may be necessary. These changes will be consistent with the spirit and intent of the Pennsylvania Municipalities Planning Code, which is reflected in the previous elements of this Section. It is the intent of the Township of Sandy to favorably act on reasonable requests for additional future development and modifications to Treasure Lake PRD subject, further, to the following:
 - A. Said proposals will contain sufficient information so the Township can act in an informed manner. Generally, the format of submission and information, as set forth by § 27-815, will be followed.
 - B. New developments and modifications will be generally reviewed in accordance with the standards as set forth by Article XX of the Sandy Township Zoning Ordinance of July 22, 1964.
 - C. New developments and modifications will be generally reviewed in accordance with the Declaration of Restrictions of Treasure Lake that have been recorded in the Clearfield County Courthouse from time to time, including, but not limited to, the following:
 - (1) The Declaration of May 28, 1968, by Treasure Lake, Inc.
 - (2) The Declaration of May 29, 1981, by the Recreation Land Corporation in regard to the Cayman Subdivision, including supplements thereto.
 - (3) The Supplemental Restrictions of June 20, 1983, by the Recreation Land Corporation, relative to Phase I of Cayman Landing.
 - D. In accordance with the spirit and intent of these regulations and the Pennsylvania Municipalities Planning Code, the Township shall hold a public hearing after public notice on any proposed new developments or modifications to the Treasure Lake PRD to afford residents of that development and the Township to express their views and concerns.

Part 9

SIGNS AND BILLBOARDS

§ 27-901. Intent and Purpose. [Ord. 2010-1, 1/18/2010]

1. It is recognized that signs, placed upon the premises and/or structures to which they relate, serve a vital communicative function by allowing residents and visitors alike to readily ascertain the availability and location of facilities that serve their needs.
2. It is the purpose of this Part to optimize the communicative value of on-premises signs within the landscape and along public thoroughfares by providing for an orderly and equitable means for the presentation and assimilation of the messages that such signs contain. Regulation of the location and size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the Township area without difficulty and confusion, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intent of this Part to establish

regulations governing the display of signs which will:

- A. Promote and protect the public health, safety, comfort, morals and convenience.
- B. Enhance the economy and the business and industry of the area by promoting the reasonable, orderly and effective display of signs and thereby encouraging increased communications with the public.
- C. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
- D. Reduce conflict among signs and light and between public and private environmental information systems.
- E. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

§ 27-902. Definitions. [Ord. 2010-1, 1/18/2010]

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

ABANDONED SIGN — A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

ANIMATED SIGN — A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs, as defined and regulated by this Part, include the following types:

1. **MECHANICALLY ACTIVATED** – Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
2. **ELECTRICALLY ACTIVATED** – Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - A. **FLASHING** – Any sign, the illumination of which exhibits sudden or marked changes in lighting effects on a repetitive cycle, with the period of illumination either the same as or less than the period of nonillumination and the intervals of the on/off illumination cycle are less than two seconds in duration.
 - B. **PATTERNED ILLUSIONARY MOVEMENT** – Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

ARCHITECTURAL PROJECTION — Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs, as

defined herein. See also "awning," "backlit awning," and "canopy (attached)" and "canopy (freestanding)."

AWNING — An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN — A sign displayed on or attached flat against the surface or surfaces of an awning. See also "wall or fascia sign."

BACKGROUND AREA OF SIGN — The entire area of a sign on which copy and/or graphics could be placed.

BACKLIT AWNING — An awning whose covering material exhibits the characteristic of luminosity obtained by means of a source of illumination contained within its frame-work.

BANNER — A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN — A sign utilizing a banner as its display surface.

BILLBOARD — See "off-premises sign" and "commercial outdoor advertising sign."

BUILDING FACADE — That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

CANOPY (ATTACHED) — A multisided structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. It is similar to a marquee.

CANOPY (FREESTANDING) — A multisided structure supported by columns. The surface(s) and/or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN — A sign affixed to the visible surface(s) of an attached or freestanding canopy; it may be internally or externally illuminated. It is similar to a marquee sign. For a visual reference example, see the diagram at the Township offices.

CHANGEABLE SIGN — A sign with the capability of content change by means of manual or remote input. It includes the following types:

1. **MANUALLY ACTIVATED** – A changeable sign whose message copy or content can be changed manually on a display surface.
2. **ELECTRICALLY ACTIVATED** – A changeable sign whose message copy or content can be changed by means of remote electrically energized on/off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or it may be from an external light source designed to reflect off the changeable component display. See also "electronic message sign or center."

COMMERCIAL OUTDOOR ADVERTISING SIGN — A permanent off-premises sign erected,

maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

COPY — The graphic content or message of a sign.

COPY AREA OF A SIGN — The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on that background.

DIRECTIONAL SIGN — Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN — A sign with two faces, commonly back-to-back.

ELECTRICAL SIGN — Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER — An electrically activated changeable sign whose variable message capability can be electronically programmed with lighted messages that change at intermittent intervals lasting more than two seconds.

EXTERIOR SIGN — Any sign placed outside a building.

FACADE — See "building facade."

FASCIA SIGN — See "wall or fascia sign."

FLASHING SIGN — See "animated sign, electrically activated."

FREESTANDING SIGN — A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. For visual reference examples, see diagram at the Township offices.

FRONTAGE (BUILDING) — The length of an exterior building wall or structure of a single premises along either a public way or other properties that it faces.

FRONTAGE (PROPERTY) — The length of the property line(s) of any single premises along either a public way or other properties on which it borders.

GROUND SIGN — See "freestanding sign."

ILLUMINATED SIGN — A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated) or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN — Any sign placed within a building, but not including window signs, as defined by this Part. Interior signs, with the exception of window signs as defined, are not regulated by this Part.

MANSARD — A roof-like facade comparable to an exterior building wall.

MARQUEE — See "canopy (attached);" definition is similar.

MARQUEE SIGN — See "canopy sign;" definition is similar.

MENU BOARD — A sign which details the sale of goods or services available on the property and which is not intended to be readable from roadways or parking lots.

MULTIPLE-FACED SIGN — A sign containing three or more faces.

OFF-PREMISES SIGN — A sign whose message content does not bear any relationship to the activities conducted on the premises on which it is located.

ON-PREMISES SIGN — A sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located.

PARAPET — The extension of a building facade above the line of the structural roof.

POLE SIGN — See "freestanding sign."

POLITICAL SIGN — A temporary sign intended to advance a political statement, cause, or candidate for office.

PORTABLE SIGN — Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN — A sign, other than a wall sign, that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. A visual reference example is on file at the Township offices.

REAL ESTATE SIGN — A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

REVOLVING SIGN — A sign that revolves 360° about an axis. See also "animated sign, mechanically activated."

ROOF SIGN — A sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections, such as canopies or marquees, shall not be considered to be roof signs. For a visual reference example of a roof sign and a comparison of differences between roof and fascia signs, see diagrams at the Township offices.

ROOFLINE — The uppermost line of the roof of a building or, in case of an extended facade or parapet, the uppermost point of said facade or parapet.

SIGN — Any device visible from public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of a graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN STRUCTURE — Any structure designed for the support of a sign.

STANDARD GEOMETRIC SHAPES — For calculation of sign area, standard geometric shapes shall only include circles, ovals and polygons of four or fewer sides.

TEMPORARY SIGN — A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently

embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

UNDER-CANOPY SIGN OR UNDER-MARQUEE SIGN — A sign attached to the underside of a canopy or marquee.

V-SIGN — A sign containing two faces of equal size, positioned at an interior angle subtending less than 179° at the point of juncture of the individual faces.

WALL OR FASCIA SIGN — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. It also includes signs affixed to architectural projections that project from a building, provided that the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For visual reference examples and comparison examples of the differences between wall or fascia signs and roof signs, see diagrams at the Township offices.

WINDOW SIGN — A sign affixed to the surface of a window, with its message intended to be visible to the exterior environment.

§ 27-903. Sign Type Illustrations. [Ord. 2010-1, 1/18/2010]

1. General sign types: see diagrams at the Township offices.
2. Comparison of roof, wall and fascia signs: see diagrams at the Township offices.
3. Sign area calculations (panel signs): see diagrams at the Township offices.
4. Sign area calculations (individual letters): see diagrams at the Township offices.

§ 27-904. General Provisions. [Ord. 2010-1, 1/18/2010]

1. Any sign hereafter erected or maintained shall conform to the provisions of this Part and the provisions of the Uniform Construction Code (Act 45)²⁷ requirements and of any other ordinance or regulations of the municipality. Signs that are not listed as allowed in particular zones of Sandy Township are in violation of this Part.
2. No sign, other than an official traffic sign or similar sign, shall be erected within the lines of any street or public way unless specifically authorized by other ordinances or regulations of the municipality or by specific authorization of the municipal authorities.
3. Signs projecting over public walkways may do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 10 feet from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the municipality for such structures.
4. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision nor at any location where, by its position, shape, or

27. Editor's Note: See 35 P.S. § 7210.101 et seq.

color, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device.

5. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated may then be applied to allowed signs placed on each separate wall or property line frontage.
6. Animated signs are allowed in commercial and industrial zones only. Changeable signs, manually activated, are allowed in all zones. Changeable signs, electrically activated, are allowed in all nonresidential zones, so long as they do not change their message display at intervals of less than 10 seconds. Flashing signs are not allowed in any zone.
7. Every sign allowed by this Part must be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Township official responsible for the maintenance of public safety, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this Part, the owner thereof or the person or firm using same shall, upon written notice by the Township, forthwith in the case of immediate danger and in any case within not more than 10 days, make such sign conform to the provisions of this Part or remove it. If, within 10 days, the order is not complied with, the Township may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign. In cases where it reasonably appears that there is immediate danger to life or safety of any person unless a sign is immediately repaired or demolished, the Township shall cause the immediate repair or demolition of such dangerous sign. The cost of such emergency repair or demolition shall be the expense of the owner and/or user of the sign.
8. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within 30 days after written notification from the Township, and, upon failure to comply with such notice, the Township is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located.
9. Any sign legally existing at the time of the passage of this Part that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a protected nonconforming use and may continue in such status until such time as it is either abandoned or removed by its owner. If a legal nonconforming sign is damaged or destroyed by any means to the extent of 50% or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed. If any such sign is not removed within 30 days after notification by the Township, the Township may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
10. Temporary signs, unless otherwise regulated by specific provisions of this Part relating to size, use, and zone in which placed, shall be subject to the following regulations:
 - A. Except for those temporary signs whose time of display is specifically addressed elsewhere in this Part, no temporary sign shall be allowed to be displayed for a period

in excess of 30 days, and no more than two times in 365 days, unless a longer span of display time is approved by the Township.

- B. Except for those temporary signs whose size is specifically addressed elsewhere in this Part, the size of any temporary sign shall not exceed 50 square feet or the maximum size allowed in a given zone.
 - C. Any temporary sign that is electrically energized or that contains any electrical device must conform to the same requirements that relate to permanent electric signs under this Part.
- 11. Roof signs, special considerations. No sign shall extend above the highest arch or point of a building as viewed from the nearest commercial roadway.
 - 12. Governmental signs for control of traffic and other regulatory purposes, signs required by governmental bodies or specifically authorized for a public purpose by any law, statute or ordinance, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger and aids to services or safety which are erected by or at the order of a public officer or employee in the performance of the officer's or employee's duties shall be allowed in all zones.
 - 13. Developments greater than five acres must have a directional sign plan submitted at the time of land development review.
 - 14. Seed signs, which are signs erected to indicate the type of seed planted, are allowed in R-A Districts only and are not to exceed six square feet in area.
 - 15. Signs on vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer are allowed in all zones. However, this is not in any way intended to permit signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
 - 16. Civic or religious organization signs, religious symbols and religious emblems shall be allowed in all zones, provided that such items shall not exceed four square feet in gross surface area.
 - 17. All off-premises signs shall be freestanding signs.

§ 27-905. Applicability. [Ord. 2010-1, 1/18/2010]

This Part is not applicable to the Treasure Lake Subdivision of Sandy Township in regards to signs placed within the Treasure Lake Subdivision for view within the Treasure Lake Subdivision of Sandy Township, it being recognized by the Sandy Township Supervisors that the Treasure Lake Property Owners' Association has its own rules and regulations in regard to signs at Treasure Lake.

§ 27-906. Permits. [Ord. 2010-1, 1/18/2010]

- 1. Unless specifically exempted, a permit must be obtained from the Township for the

erection, construction, alteration, relocation and maintenance of all signs erected or maintained in the municipality. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Part.

2. Before any permit is granted, the permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
3. No new sign shall hereafter be erected, constructed, or maintained except as herein provided and until after a permit, if required, has been issued by the Township.
4. No sign shall be enlarged or relocated except in conformity with the provisions herein, nor until a proper permit, if required, has been secured. The changing of movable parts or components of an approved sign that is designated for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign or sign structure, shall not be deemed an alteration.
5. Permit fees to erect, alter, or relocate a sign shall be in accordance with the sign fee schedule adopted by the municipality.

§ 27-907. Exempt Signs. [Ord. 2010-1, 1/18/2010]

The following signs are hereby exempt from the permitting provisions of § 27-903 of this Part:

1. Informational or public service signs as described in § 27-910.1F.
2. Temporary development signs as described in § 27-910.1D.
3. Governmental signs as described in § 27-910.12.
4. Holiday decorations: signs or other materials temporarily displayed on traditionally accepted civic, patriotic or religious holidays related to observance of the civic, patriotic or religious holiday.
5. Interior signs: signs which are fully located within the interior of any building or stadium or within an enclosed lobby or court of any building and signs located within the inner or outer lobby court or entrance of any theater.
6. Memorial signs, historical signs, plaques or tablets as described in § 27-910.1G.
7. Name and address signs as described in § 27-910.3C(1).
8. Restricted activity signs as described in § 27-910.1C.
9. Parking lot directional and instructional signs as described in § 27-910.1H.
10. Patron advertising signs as described in § 27-910.2D.
11. Seed signs as described in § 27-904.14.
12. Signs on vehicles as described in § 27-904.15.
13. Civic and religious organization signs, religious symbols and religious emblems as

described in § 27-904.16.

§ 27-908. Area of Signs. [Ord. 2010-1, 1/18/2010]

1. **Signs Containing Integral Background Areas.** The area of a sign containing a clearly defined background area, as defined herein, shall be expressed as the area of the smallest standard geometric shape capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be expressed as the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.
2. **Signs Without Integral Background Areas.** In instances in which a sign consists of individual elements, such as letters, symbols, or other graphics objects or representatives, that are painted on, attached to, or otherwise affixed to a surface, such as a wall, window, canopy, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be expressed as the sum of the individual areas of the smallest geometric shapes capable of encompassing the perimeter of the individual elements comprising the sign.
3. In computing the area of a double-faced sign, only one side shall be considered, provided that all faces are identical in size. The area of multi-faced signs will be calculated as the maximum projected area of the sign as viewed from any angle.
4. Sign area calculations will be calculated as the area of the smallest geometric shape capable of encompassing the entire copy, graphics, or background of the sign as follows:
 - A. **Consideration of Open Space.** In the case where the sign can be broken into separate elements of copy, graphics or distinct, identifiable background areas separated by open space, separate geometric shapes may be placed around the individual elements of the sign. The sum of the areas of all such geometric shapes, without regard for any open space between them, shall then be used as the gross surface area of the sign. This provision, however, is not intended to result in the calculation of area for each individual letter in the text of the sign.
 - B. **Consideration for Ascenders, Descenders and Accentuating Graphics.** Where the copy of the sign incorporates letters having ascenders or descenders or accentuating graphic elements which would significantly impact the calculation of the sign's gross surface area by forcing the inclusion of additional open area around the remaining sign elements included within one geometric shape, individual geometric shapes may be placed around those letters with ascenders or descenders or accentuating graphics to more accurately calculate the gross surface area of the sign as provided in Subsection 4A of this Section.
 - C. **Signs with a Single Distinct Background Area.** The provisions in Subsections 4A and B in this Section shall not be applied to signs having a single, separate and distinct background area, such as freestanding ground signs, and wall signs that have a single, distinct (colored, raised, or otherwise distinguishable from the wall on which the sign is located) background area framing or highlighting the copy or graphics. In this case,

the smallest rectangle capable of encompassing the entire distinct background area shall be used to determine the gross surface area of the sign.

§ 27-909. Electrical Standards. [Ord. 2010-1, 1/18/2010]

No sign shall be illuminated by other than electrical means. Electrical devices, components, and wiring shall be installed and maintained in accordance with the requirements of the Electrical Code as adopted by the municipality and in accordance with all Uniform Construction Code (Act 45) requirements.²⁸ In no case shall an open spark or flame be used for display purposes.

§ 27-910. Regulation by Zone. [Ord. 2010-1, 1/18/2010]

1. On-premises signs allowed in all zones. In addition to any signs designated as permissible in §§ 27-904 and 27-907 of this Part, the following on-premises signs and/or sign types are allowed in all zones:
 - A. One sign per premises property, suitable for the display of commercial or noncommercial speech, provided that the area of any such sign shall not exceed four square feet, and further provided that, if freestanding, such sign shall not exceed a height above the grade level on which it is placed of four feet to the top of the sign. Premises or properties with frontage on more than one street shall be allowed one such sign on each separate street frontage.
 - B. Temporary real estate signs, as defined herein, provided that the area of such signs shall not exceed six square feet in residential zones and 36 square feet in all other zones. Not more than one such sign shall be placed on property held in single and separate ownership, unless such property fronts on more than one street, in which case one such sign shall be allowed on each separate street frontage. All such signs shall be allowed only during the time in which the property advertised is available for sale, lease, or rental and must be removed within 10 days after execution of an agreement of lease or rental or within 10 days after consummation of the sale.
 - C. Restricted-activity signs. No-trespassing, no-hunting, no-fishing, nodumping, no-parking, no-towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code, and its regulations, and as set forth in Title 18 of the Pennsylvania Crimes Code, and its regulations), provided that the area for any such sign shall not exceed four square feet.
 - D. Temporary development signs erected in connection with the development or proposed development of the premises or property, provided that the area of any such sign shall not exceed 64 square feet. Not more than one such sign shall be placed on property held in single and separate ownership, unless the property fronts on more than one street, in which case one such sign shall be allowed on each separate street frontage. Such signs shall be removed within 10 days after the development has been completed and/or the last structure occupied.
 - E. Temporary signs advertising special events and/or promotions of a commercial or

28. Editor's Note: See 35 P.S. § 7210.101 et seq.

noncommercial nature, which shall be displayed during a time period of no more than 45 days prior to the special event and/or promotion and 10 days following the special event and/or promotion, and further provided that not more than one such sign shall be placed on any single premises or property, unless such premises or property fronts on more than one street, in which case one such sign shall be allowed on each separate street frontage. The area of any such sign shall not exceed the following limitations by zone:

- (1) Residential: 16 square feet.
 - (2) Commercial and/or industrial: 64 square feet.
- F. Informational or public service signs as required on any premises or property for the purpose of advertising the availability of restrooms, telephones, or similar facilities of public convenience, provided that the area of any such sign shall not exceed four square feet.
- G. Memorial signs, historical signs, plaques or tablets, provided that the area of any such sign, plaque or tablet shall not exceed six square feet.
- H. Parking lot directional and instructional signs.
- (1) Directional signs: signs designating parking area entrances and exits, drive-through lanes and other similar motorist guidance signs, provided that the area of any such sign shall not exceed four square feet. Parking lot directional signs shall not exceed five feet in overall height, as measured from the established grade of the parking area to which such signs are necessary.
 - (2) Instructional signs: signs designating the condition of use or identity of parking areas, provided that the area of any such sign shall not exceed eight square feet. Parking lot instructional signs shall not exceed seven feet in overall height.
2. Off-premises signs allowed in all zones. In addition to any signs designated as permissible in §§ 27-904 and 27-907 of this Part, the following off-premises signs and/or sign types are allowed in all zones:
- A. Temporary political signs, as defined herein, provided that the area of any such sign shall not exceed four square feet and that not more than two such signs shall be displayed on any single privately owned premises or property, unless such premises or property fronts on more than one street frontage. If used for the purpose of advertising political parties and/or candidates for election or issues subject to referendum, such signs shall be removed within 10 days following such election or referendum.
- B. Off-premises directional signs (as defined herein) used by nonprofit entities and/or tourism locations, provided that the area of any such signs shall not exceed the following limitations by zone:
- (1) Residential zone: four square feet.
 - (2) All other zones: six square feet.

- (3) No such sign shall be placed on State, Federal or Township rights-of-way, and written permission from any property owner where the sign is placed must be obtained, with a copy on file in the municipal offices.
 - (4) Off-premises directional signs are allowed for all local, State or Federal entities.
 - C. Any business will be allowed one off-premises directional sign featuring the name of the business only (no product listings), provided that the area of any such sign shall not exceed the following limitations by zone:
 - (1) Residential zone: four square feet.
 - (2) All other zones: six square feet.
 - (3) No such sign shall be placed on State, Federal or Township rights-of-way, and written permission from any property owner where the sign is placed must be obtained with a copy on file in the municipal offices.
 - D. Patron advertising signs: signs erected on the perimeter of an organizational-sponsored youth athletic field for the sole purpose of sponsoring or contributions to the organized youth athletic sport. Signs erected for this purpose shall not exceed 32 square feet of gross aggregate surface area.
- 3. On-premises signs allowed in residential zones.
 - A. General regulations for on-premises signs in residential zones:
 - (1) Unless otherwise regulated by specific reference herein, freestanding signs shall be limited to a height above the grade level on which they are placed of four feet to the top of the sign.
 - (2) Animated signs are prohibited.
 - (3) Roof signs are prohibited.
 - B. All on-premises signs allowed by § 27-910.1, of this Part are allowed in residential zones.
 - C. In addition to the signs allowed in § 27-910.1, of this Part, the following signs are allowed in residential zones:
 - (1) Signs displaying the name and address of the occupant of the premises, provided that the area of any such sign shall not exceed four square feet and that not more than one such sign shall be erected or displayed for each occupant of a premises, unless such premises fronts on more than one street, in which case one such sign shall be allowed on each separate street frontage. Sandblasted/carved stone signs will have the area calculated in a manner similar to individual letter/logo signs.
 - (2) Temporary signs of contractors or artisans displayed during the period such contractors or artisans are performing work on the premises on which such signs are displayed, provided that the area of any such sign shall not exceed 12 square feet. Such signs shall be limited to one sign per contractor or artisan and shall be

removed within 30 days of the completion of the contractor's work.

- (3) One sign per premises advertising a home occupation or avocation, provided that the area of any such sign shall not exceed four square feet.
 - (4) Subdivision identification signs and/or signs identifying apartment or condominium complexes, provided that the area of any such sign shall not exceed a total of 32 square feet, and further provided that one such sign shall be allowed for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. An additional single-sided sign of no more than 32 square feet in area is allowed at each entrance if the backs of both signs are not visible from any viewing angle of the sign.
 - (5) Signs for allowed nonresidential uses, provided that the area of any such sign shall not exceed 32 square feet, and further provided that one such sign shall be allowed for each separate street and/or separate building frontage occupied by the allowed use and for each means of entrance to or exit from the allowed use.
- 4. Off-premises signs allowed in residential zones.
 - A. All off-premises signs set forth in § 27-910.2, or specifically allowed by the general provisions in § 27-904 are allowed in residential zones.
- 5. On-premises signs allowed in commercial and industrial zones.
 - A. Any signs allowed in a residential zone that relate to a use allowed in the commercial and industrial zones.
 - B. Signs located at allowed uses as regulated by reference to types noted below.
 - (1) Freestanding signs.
 - (a) Freestanding signs shall be limited to one, except for a use that fronts on more than one street, in which case one such sign shall be allowed for each separate street frontage. If a use exceeds 450 linear feet on any frontage, one additional such sign on such frontage shall be allowed.
 - (b) Unless otherwise regulated by specific reference herein, the area of any freestanding sign shall not exceed 64 square feet, and the overall height of any sign shall not exceed 25 feet, as measured from the center line of the facing roadway to the top of the sign.
 - (c) In the case of a use designated as a shopping center or planned industrial park, one freestanding sign per each 300 linear feet of frontage or multiple thereafter shall be allowed for each separate street frontage, frontage on other property usage, and/or for each means of entrance to or exit from the use. The area of any such sign shall not exceed the product of 0.2% of the aggregate lot area of the subject premises or 300 square feet, whichever is smaller. In no case will any sign be limited to less than 60 square feet. The overall height of the sign shall not exceed 40 feet to the top of the sign, as

measured from the center line of the facing roadway to the top of the sign.

- (d) Within the environs of a use designated as a shopping center or planned industrial park, freestanding signs shall be allowed as required for the primary purpose of promoting traffic safety through the provision of directional information within the environs of the use, provided that any such sign shall not exceed an area of 50 square feet nor a height above the grade level on which it is placed of 14 feet to the top of the sign.

(2) High-rise signs.

- (a) A special Interstate Zone has been established to allow higher and larger signs within the designated Interstate Zone. See Appendixes 5-A and 5-B for the location of these zones.²⁹
- (b) The special Interstate Zone is defined as a one-half-mile-diameter area with the center located at the center line of the east/west lanes of I-80 at Exit 97 and Exit 101.
- (c) Any business within the Interstate Zone will be allowed one sign of unlimited height above grade and a size not to exceed 150 square feet in area. This sign will be in addition to any other signs allowed within this Part and will be designated as a highrise sign.

(3) Wall signs.

- (a) Wall signs include wall, roof or fascia signs permanently applied to walls or other building surfaces.
- (b) The total area of all signs affixed or applied essentially in a parallel plane to any given building facade shall not exceed an area computed as a percentage of the building facade, including window and door areas and cornices to which they are affixed or applied, in accordance with Table II below.

Table II
Wall Signs

Distance of Sign from Road or Right-of-Way or Property Line	Percentage of Building Face or Wall Allowed for Sign Area	Maximum Sign Size (square feet)
0 to 100 feet	10%	120
101 to 300 feet	12%	175
Over 300 feet	15%	280

- (c) There shall be no limit on the number of wall signs allowed so long as the other requirements of this Part are met.

29. Editor's Note: Appendixes 5-A and 5-B are on file in the Township offices.

- (d) No sign shall extend above the highest architectural point of the building to which it is attached, as viewed from the nearest commercial roadway.
- (e) Graphic treatment in the form of striping or patterns shall be allowed on the face of any building or freestanding canopy, marquee or architectural protection without restriction, and the area of any such graphic treatment shall not be calculated as a component of allowed copy area.

(4) Awning signs.

- (a) Signs affixed or applied to the face or side surfaces of an awning or backlit awning, provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 50% of the total background area of the awning or backlit awning surface to which it is affixed or applied or, alternatively, does not exceed an amount equal to the amount of copy area allowed for wall signs as provided herein, whichever is less.
- (b) Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be allowed on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of allowed copy area.

(5) Under-canopy signs.

- (a) Signs affixed to the underside of a canopy, marquee, or architectural projection shall be limited to an area not to exceed eight square feet. One such sign shall be allowed for each means of entrance to or exit from a premises.

(6) Menu board signs.

- (a) Any business utilizing a drive-through ordering/distribution system for the sale of its products may include one menu board sign for each drive-through lane. The menu board sign must meet the definition of a menu board, as defined herein, and cannot exceed 40 square feet in sign area nor exceed eight feet in overall height. The area of menu board signs will not be calculated as a component of allowed copy area.

(7) Parking lot directional and instructional signs, as described in § 27-910.1H.

6. Off-premises signs allowed in commercial zones.

- A. All off-premises signs allowed as set forth in § 27-910.2, or specifically allowed by the general provisions in § 27-904 are allowed in commercial zones.
- B. Off-premises commercial outdoor advertising signs are allowed in commercial zones, subject to the following:
 - (1) No off-premises outdoor advertising sign shall exceed 300 square feet in overall area per side.

- (2) No off-premises sign can have more than two sides.
- (3) Off-premises outdoor advertising signs shall not be placed closer than 50 feet to any property line (side, front, or rear).
- (4) No off-premises outdoor advertising sign shall be placed within 300 feet of another off-premises outdoor advertising sign.
- (5) No off-premises outdoor advertising sign shall exceed 25 feet in over-all height above grade, as measured from the base of the sign or from the center line of the facing roadway, whichever is lower.
- (6) All off-premises advertising signs will comply with all the requirements of the Uniform Construction Code (Act 45).³⁰
- (7) Written permission from any property owners of property upon which the off-premises outdoor advertising sign is installed must be supplied as part of the permit application.
- (8) All off-premises outdoor advertising signs must comply with PennDOT regulations. The more restrictive of PennDOT regulations or Township regulations will apply.
- (9) No off-premises sign will be placed where it creates a traffic hazard, either by its position or by its lighting.
- (10) No sign will be placed within 300 feet of any road intersection or within 300 feet of any residence, church or school.

§ 27-911. Administration and Enforcement. [Ord. 2010-1, 1/18/2010]

1. The Zoning Officer is hereby designated as the enforcement officer for this Part. In furtherance of his/her authority as such enforcement officer, the Zoning Officer shall have the following duties and powers:
 - A. Review and Issue Permits. Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this Part.
 - B. Conduct Inspections. Conduct an annual or more-frequent inspection of all permanent signs displayed in the Township to ensure compliance with the provisions of this Part.
 - C. Issue Notices of Violation. Issue notices of violation to owners, agents or persons having the beneficial interest in the building or the premises on which a sign is located which is found to be in nonconformance with this Part.
 - D. Cause Removal of Certain Signs. After due notice, cause the removal of certain signs which are found to be in noncompliance with one or more of the provisions of this Part.
 - E. Administrative Interpretations. Render, when called to do so, administrative

30. Editor's Note: See 35 P.S. § 7210.101 et seq.

interpretations regarding the provisions of this Part and their effect on the display of any sign located or to be located in the Township.

- F. Maintenance of Records. Maintain all records necessary to the appropriate administration and enforcement of this Part, including applications for variations and appeals.
- G. Public Information. Provide and maintain a source of public information relative to all matters arising out of this Part.

Part 10

ZONING MAP AMENDMENTS

§ 27-1001. Zoning Map Amendments. [Ord. 2010-1, 1/18/2010]

(Reserved)