

**CUMMINGS
TOWNSHIP
ZONING ORDINANCE**



ADOPTED NOVEMBER 11, 2020

**ZONING ORDINANCE
for
CUMMINGS TOWNSHIP
LYCOMING COUNTY, PENNSYLVANIA**

ADOPTED NOVEMBER 11, 2020

Cummings Township Supervisors

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Michael C. Yohe - Supervisor
Richard G. Bierly - Supervisor
Darlene Macklem, Secretary
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**CUMMINGS TOWNSHIP
LYCOMING COUNTY**

ORDINANCE NO. 11.10.2020

**AN ORDINANCE REPEALING THE CURRENT CUMMINGS TOWNSHIP
ZONING ORDINANCE ENACTED BY CUMMINGS TOWNSHIP ON
SEPTEMBER 11, 2018, AND REPLACING IT WITH THE NEW CUMMINGS
TOWNSHIP ZONING ORDINANCE AND A NEW ZONING MAP**

WHEREAS, the Board of Supervisors of Cummings Township, Lycoming County, Pennsylvania, has determined that its current Zoning Ordinance does not adequately meet the Township's needs and desires in controlling land use and zoning matters/issues; and

WHEREAS, this Ordinance is authorized pursuant to the Pennsylvania Municipalities Planning Code and other various statutes; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Cummings Township, Lycoming County, Pennsylvania, as follows:

ARTICLE I – REPEAL

Effective in the shortest time allowable by law, the Cummings Zoning Ordinance administered in Cummings Township, adopted on September 11, 2018, is repealed in its entirety.

ARTICLE II – ZONING ORDINANCE

Cummings Township adopts the following Zoning Ordinance and map attached:

The Cummings Township Zoning Ordinance (*see attached ordinance*) is adopted in its entirety. This ordinance creates new zoned districts, a new map, new supplementary regulations, general provisions, definitions, floodplain regulations, supplemental lot regulations, exterior light standards, sign regulations, Articles 10, 11 and 12 reserved for future use, zoning hearing board proceedings, amendments and conditional uses, administration and enforcement and an index.

ARTICLE III – MISCELLANEOUS

1. Upon the effective date of this repeal, all matters and issues arising in Cummings Township shall be dealt with in accordance with the newly adopted Cummings Township Ordinance and map.
2. In the event any portion of this Ordinance is declared contrary to the laws, said portion shall be considered severable from the remainder of this Ordinance which shall remain in full force and effect. This Ordinance hereby repeals all ordinances or resolutions or portions thereof that were previously adopted which conflict with this Ordinance.

3. This Ordinance shall become effective immediately.

ENACTED and ORDAINED this 17th day of November, 2020.

**CUMMINGS TOWNSHIP
BOARD OF SUPERVISORS:**

ATTEST:

Darlene S. Macklem *Walter Braddock*
Darlene Macklem, Secretary Walter Braddock, Chairman

(SEAL)



Michael Yohe
Michael Yohe, Supervisor

Rick Bierly
Rick Bierly, Supervisor

CUMMINGS TOWNSHIP ZONING ORDINANCE

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ARTICLE 1

General Provisions

1.1 Authority

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

1.2 Short Title

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

1.3 Effective Date

This Ordinance is effective immediately upon enactment.

1.4 Purposes

1.4.1 This Ordinance is made with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

1.4.2 The provisions and regulations in this Zoning Ordinance are designed to promote, protect and facilitate the public health, safety, morals, and general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, vehicle parking and loading space, transportation, water sewerage, parks, public grounds and other public requirements.

1.4.3 It is also the purpose and design of this Ordinance to prevent the overcrowding of land, blight, danger and congestion in travel and transportation, pollution of air and water, loss of health, life or property from fire, flood, panic or other dangers.

1.4.4 It is also the purpose and design of this Ordinance to allow for any purpose permitted by the Pennsylvania Municipalities Planning Code as the Supervisors of the Township shall deem appropriate and enact provisions and adopt resolutions in pursuance thereof.

1.5 Community Development Objectives for Cummings Township

The purpose of this Ordinance is to promote the health, safety, and general welfare of the present and future inhabitants of the Township through the accomplishment of the following community development goals:

1.5.1 Land Use Patterns and Community Character

1. Provide for a rational and orderly pattern of land use by establishing districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and the surrounding open space.
2. Provide for a harmonious relationship between areas of different community character.
3. Secure adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment.
4. Identify, preserve, and enhance the existing character of communities within the Township.
5. Encourage quality, attractive, and economically sound residential, commercial, and industrial development.
6. Ensure that proposed public facilities and development are consistent with the character and environmental limitations of the area.

1.5.2 Natural Resources

1. Preserve and protect the Township's natural resources.
2. Avoid or lessen the hazards of flooding, soil erosion, and stormwater accumulation and runoff.
3. Preserve the best agricultural soils for future production.
4. Preserve and protect natural habitats for wildlife.
5. Prevent air and ground water contamination.
6. Protect and maintain the aesthetic and environmental qualities of the Township.

1.5.3 Public Infrastructure

1. Create an environment that is reasonably safe from fire, flood, and other dangers.

2. Guide the development of the Township in order to provide the most efficient use of existing and planned public facilities and utilities.
3. Develop partnerships between local governments and developers to assure the provision of adequate infrastructure.
4. Reduce the danger and congestion of traffic on roads and highways by controlling the location and limiting the number of intersections and driveways.
5. Protect residential streets from degradation by non-residential traffic.
6. Ensure adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities.
7. Promote economy in local government expenditures.

1.5.4 Justifiable Expectations and Taxable Value

1. Stabilize the taxable values of land and buildings.
2. Protect landowners from potential adverse impacts of adjoining developments.
3. Protect and respect the justifiable reliance of existing residents, businesses, and taxpayers on the continuation of existing, established, and planned land use patterns.
4. To regulate the use of water and water supply sources.

1.6 Interpretation

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

1.7 Establishment of Controls

1.7.1 Minimum and Uniform Regulations

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

1.7.2 For New Uses and Structures

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

1.7.3 For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article 6.

1.7.4 Types of Controls

The following minimum and uniform regulations apply in the respective districts:

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

1.8 Application of Regulations

Except as provided for elsewhere within the Ordinance:

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

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

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

1.8.4 When a specific use is neither permitted nor prohibited in the schedule of district regulations, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. See Sections 5.27 and 14.2 for further information regarding this procedure.

1.8.5 In cases of “Mixed Occupancy” the regulations for each use applies to the portion of the building or land so used.

1.9 Severability

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

1.10 Conflicts

1.10.1 Repeal

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

1.10.2 Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, including the Pennsylvania Uniform Construction Code or Occupational Safety and Health Administration (OSHA) regulations, such laws control where their requirements are in excess of this Ordinance. This Zoning Ordinance controls in all cases where the State requirements are less than herein contained.

1.11 Disclaimer of Liability

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

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

1.11.3 Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, can not be guaranteed by the Municipality. The conditions and terms of access where available are set by the receiving authority or utility company.

1.12 Official Copy

The official copy of this Ordinance shall be the version on the Cummings Township web site at www.pinecreekvalley.com

1.13 Adoption and Effective Date

See Cummings Township Ordinance 11.10.2020.

ARTICLE 2

Definitions

2.1 Applicability and Interpretation

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “occupied” or “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used”; and the word “shall” is intended to be mandatory; the word “abut” shall include the words “directly across from”.

2.2 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abutting: Having a common border with, or being separated from such common border by, an alley or easement.

Access: A means of vehicular approach or entry to or exit from property.

Accessory Apartment: A single apartment unit built within the exterior walls of a single family detached dwelling existing prior to adoption of this Ordinance. See Section 6.2.4.

Accessory Use or Structure: A use or structure subordinate to, and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building. See Sections 6.2 and 6.3.

Adult Day Care Center: A facility for the supervised care of adults, providing activities such as meals and socialization one or more days a week during specified daytime hours. The participants, primarily persons with physical and/or mental limitations who need socialization, physical assistance, and/or psychological assistance, return to their homes each evening. The program is often used as respite by family members caring for an older person who cannot be left alone safely in the home.

Adult Use: Adult book stores, topless or bottomless bars, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books,

magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

Agricultural Business: A business which offers at least twenty-five percent (25%) of its services to the agricultural sector including the processing and sale of agricultural products/supplies or the sale and/or repair of agricultural equipment.

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

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alteration, Structural: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Amendment: A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Township Board of Supervisors.

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the care and treatment of animals where the indoor boarding of animals is limited to short-term care incidental to the hospital use.

Animal Kennel: A facility involved in the boarding, breeding, grooming, sale or training of four or more dogs over six months of age and for which a fee is charged.

Appeal: A means for obtaining review of, a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Article 13 and 14.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Automotive Repair Facility: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

Automotive Sales Facility: Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work.

Automotive Service Station: A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

Basement: A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Billboard: See **Sign, Off Premises Advertising.**

Blade Length: The length measured from the tip of any blade to the hub of the nacelle (structure that houses all the generating components to which blades are attached).

Board: The Board of Supervisors for Cummings Township, Lycoming County, Pennsylvania.

Building: A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers used for human occupation.

Building Area: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Building Coverage: The portion of a lot, expressed as a percentage that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade along the wall of the building (or adjacent to the side of a non-building use), to the highest point of the roof or parapet for flat roofs, and to the mean height between eaves and ridge for gable, hip, or gambrel roofs.

Building – Principal: A building housing the main or principal use of the lot on which the building is situated.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, recreational vehicles, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as an Outdoor Recreation use.

Carport: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Central Water or Sewer: A water or sewer distribution system, which serves facilities on a community, area wide or regional basis. The facility company must be approved by and (or) licensed by the appropriate State or Federal agencies.

Certificate of Nonconformance: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure, or lot on or before the adoption of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

Certificate of Occupancy: A statement signed by the Zoning Officer setting forth that a building complies with the provisions of the Ordinance, or that a building, structure, or a parcel of land is lawfully employed for a specified use and suitable for occupancy for purposes consistent with this Ordinance.

Child Care Center: A facility of seven (7) or more children not related to the operator, not in a residence, license and inspection required by the PA Dept. of Human Services.

Clear Sight Triangle: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway lines.

Club: The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

Cluster Subdivision: A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements is permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The overall dwelling unit density of the underlying district cannot be exceeded in this type of development.

Commercial: Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

Commission: The Planning Commission of Cummings Township, Lycoming County, Pennsylvania.

Common Open Space: A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communication Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Community System: A central water or sewerage system, the rates and service of which are not controlled by a government authority.

Comprehensive Plan: A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Township. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

Concentrated Animal Feeding Operations: An Agricultural Operation with more than 1,000 animal equivalent units (AEUs), operations with 301 to 1,000 AEU's which have the potential to discharge to surface waters of the Commonwealth, or as otherwise provided for by regulation or statute. An AEU is defined as 1,000 lbs. of live animal weight.

Concentrated Animal Operations: An Agricultural Operation where the animal density

exceeds two animal equivalent units (AEUs) per acre on an annualized basis, or as otherwise provided for by regulation or statute. An AEU is defined as 1,000 lbs. of live animal weight.

Conditional Use: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. “Conditional Uses” are allowed or denied by the Board of Supervisors after review by the Planning Commission.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

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

Contractor: A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.

Contractor’s Yard: Land that is used for the storage and maintenance of contractor’s construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business. A single vehicle and trailer stored at a residence shall not be considered a contractor’s yard.

Convenience Market: A small retail store, which may be franchised, offering a limited selection of food and household products and staying open for longer hours at a convenient location. This use may also include the sale of motor vehicle fuels but does not offer motor vehicle repairs.

Correctional Facility: An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, honor camps, houses of correction, jails, prisons, prison farms, juvenile detention centers, penitentiaries, reformatories, training schools for delinquent offenders and other adjudicated individuals, and halfway homes for delinquents, offenders, and other adjudicated individuals.

County Comprehensive Plan: A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

Cultivation of Crops: The use of land for the raising of crops and excluding the keeping of animals.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

Density: A measure of the number of dwelling units which occupy, or may occupy, an area of land.

Density, Net Residential: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

Department: the Department of Environmental Protection of the Commonwealth of Pennsylvania.

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

- (1) the governing body.
- (2) the zoning hearing board.
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or Cluster Subdivision provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes;

streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

Development of regional significance and impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

District or Zone: A portion of the area of Cummings Township, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

Drilling: The digging or boring of a well, either vertically or horizontally, for the purpose of exploring for, developing or producing oil or gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

Drilling Pad: The area or surface operation surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling site.

Drug and Alcohol Treatment Facility: The physical location in which ongoing, structured and systematic drug and alcohol services are provided, including residential or non-residential facilities.

Dwelling: “Dwelling” means any building or portion thereof which is designed or used for residential purposes. The term “dwelling” shall not be deemed to include motel, rooming house, tourist home, hotel, hospital, or nursing home.

Dwelling, Farm: A dwelling unit located on a farm and used for the residence of the proprietor of a farm or persons necessary for the operations of the farm, in same ownership as the farm on which the dwelling is constructed.

Dwelling, Manufactured (Mobile) Home: A single-family detached factory manufactured dwelling built on a chassis, subject to the Manufactured Home Construction and Safety Standards (HUD) Code, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Dwelling, Manufactured (Modular) Home: A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation. The placement of such dwelling unit (s) on a site shall meet all the requirements herein addressed to a conventionally-built dwelling.

Dwelling, Multiple Family: “Multiple family dwelling” means a building designed for or containing more than two dwelling units, sharing access from a common hall, stair, or balcony.

Dwelling, Seasonal: A part-time dwelling utilized in conjunction with recreational pursuits and for the enjoyment of the outdoors.

Dwelling, Single-Family Detached: “Single-family detached dwelling” means a dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Dwelling, Two-Family: “Two-family dwelling” means two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling Unit: “Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Essential Services: Municipal utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Facility Boundary: The property lines of the lot, parcel, tract or group of lots, parcels or tracts upon which any non-residential structure or use is proposed.

Facility Site: All contiguous land owned or under control of an owner or operator of a waste storage or processing facility.

Family: For purposes of this Ordinance, “family” and “single family” shall mean any of the following:

- (1) an individual residing alone in a dwelling; or
- (2) two or more persons related, by blood or marriage, or adoption (being hereinafter called “related persons”); or
- (3) no more than three unrelated persons.

(4) In addition, up to six foster children residing with an individual or with two or more related persons shall be considered part of a “family” for purposes of this Ordinance.

Any other combination of persons shall not be a “family” or “single family” for purposes hereof.

Family Child Care Home: A facility of four (4), five (5), or six (6) children unrelated to the operator, in a residential setting that must be registered but does not require an inspection by the PA Dept. of Human Services.

Fill: Sand, gravel, earth or other material placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a regulated water of the Commonwealth of Pennsylvania.

Floodplain Management Ordinance: An ordinance adopted by Cummings Township to obtain participation in the National Flood Insurance Program (NFIP).

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

Garage, Private: Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.

Garage, Public Parking: Structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

General consistency, generally consistent: That which exhibits consistency.

Governing Body: The Board of Township Supervisors, Township of Cummings, County of Lycoming, Commonwealth of Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Subgrade: The elevation established to receive top surfacing or finishing materials.

Group Child Care Home: A facility of seven (7) to twelve (12) children not related to the operator, in a residential setting which is licensed and inspected by the PA Dept. of Human Services.

Group Home: A residence occupied by a group of persons unrelated by blood, marriage, adoption or guardianship that live together as a single housekeeping unit. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. This category does not include child care facilities, institutional residences or a correctional facility.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered habitable space.

Hazardous Material: A hazardous material is any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Hazardous Waste: A waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

Historic Structure: Any structure that is:

(i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

Hobby Farm: The raising or boarding of animals, livestock or poultry for personal use on a small farm operated for pleasure rather than for primary income. See Section 6.3.9.

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

Home Based Business, No Impact: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of Section 5.19.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.

Home Occupation: An accessory use or occupation operated for gain or support conducted entirely within a dwelling or in an attached or detached accessory structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. See Section 5.13.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Planned Residential Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Hospital: an institution providing medical, surgical, or psychiatric testing and treatment for people who are ill, injured, pregnant, etc. on an inpatient, outpatient, or emergency basis

Hotel or Motel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

Hydraulic Fracturing: The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and

any areas in gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.

Institutional Residence: Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self care, and where medical care at less than hospitalization is an element. These uses include, but are not limited to, group foster homes; nursing homes, retirement homes, personal care or assisted living facilities; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for disturbed individuals; homes for the deaf and blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for more than 10 residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category. Such facilities may also require licensing by the Pennsylvania Department of Health or the Pennsylvania Department of Human Services or other State agencies.

Junk: Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, wood, industrial waste and other salvageable materials, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal. Materials at a properly maintained recycling drop off site or center may not be considered junk.

Junk Yard Or Salvage Yard: Any place where any junk as hereinafter defined is stored or disposed of.

Kennel: see **Animal Kennel**.

Land Development:

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

- (3) Except that the following shall be excluded from this definition:
- (i) The conversion of an existing single-family detached dwelling or double dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (iii) the addition or conversion of buildings or rides within the confines of an enterprise, which would be, considered an amusement park. For the purpose of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Land Owner Curative Amendment: A landowner challenge on substantive grounds to the validity of a zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest. See Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways.

Lot, Corner: A lot abutting the intersection of two streets.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Lines: The property lines bounding the lot.

Lot Line-Front: The lot line separating the lot from the street right-of-way line.

Front Lot Line of a Corner Lot: In the case of a corner lot the front lot line shall be defined by the street address of the lot.

Lot Line-Rear: The lot line opposite and most distant from the front lot line.

Lot Line-Side: Any lot line other than a front or rear lot line.

Lot Width: The width of the lot between side lot lines at the front building lines as prescribed by the front yard regulations.

Manufactured Housing: see **Dwelling - Manufactured.**

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Medical Offices, Clinic, Surgery Center: A place where outpatients are studied or treated by generalist or specialist physicians and assisting staff practicing as a group, excluding a Drug and Alcohol Treatment Facility as defined by this Ordinance.

Metering Station: A permanent structure that is used as a midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile Home: See **Dwelling**.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Motel or Hotel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

Multimunicipal plan: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Municipal Curative Amendment: An amendment procedure that can be utilized if a municipality determines that its zoning ordinance or any portion thereof is substantially invalid.- See Section 609.2 of the Municipalities Planning Code.

Municipal engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipality: Shall mean the municipal corporation known as the Township of Cummings, Lycoming County, Pennsylvania.

Municipal Waste Landfill: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

Natural Gas Compressor Station: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

No Impact Home Based Business: see **Home Based Business, No Impact.**

Non-conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment.

Non-conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-profit: Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

Nursing or Retirement Home: Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long- term nursing care.

Nutrient Management Act: Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Official Map: A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Oil and Gas Development: The well site preparation, construction, drilling, redrilling, hydraulic fracturing and/or site restoration associated with an oil or gas well of any depth, water or other fluid storage impoundment and transportation used for such activities, and the installation and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary, the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment, and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil and Gas Staging Facility: A facility or location on a permitted site for the storage of equipment, pipes and vehicles used to support oil or gas development activities at other permitted sites (see §5.11 Contractor's Yard).

Oil or Gas Well: A pierced or bored hole drilled or being drilled in the ground for the purpose of or to be used for producing, extracting or injecting gas, oil petroleum or other liquid related to oil and gas production, storage, including brine disposal.

Oil or petroleum: Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PS IA.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Advertisement: An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

Parking Area – Private: An open area for the same use as “private garage”.

Parking Area – Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Patio: A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

Permanent Foundation: A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use, which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before the Zoning Officer grants a zoning permit.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Planning Commission: The Planning Commission of Cummings Township, Lycoming County, Pennsylvania.

Porch: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

Principal Structure: See **Building – Principal**.

Principal Use: The main use on a lot.

Private: Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

Professional Office: The office of a single member of a recognized profession. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

Professional Office Group: The offices of more than one professional including assisting staff.

Public grounds: 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
- (3) publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality or as defined by the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329), as amended. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public or Quasi – Public Uses: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Post Offices, Churches, Cemeteries, Schools, Community Centers, Firehalls, Municipal building and other uses of the same general character.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility,

whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Recreation Facility: A place designed and equipped for the conduct of sports, fitness, leisure – time activities and enjoyment of the outdoors.

Recreation Facility, Outdoor: A profit or non-profit business or public facility in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Outdoor recreation shall include but not be limited to campgrounds, RV parks, golf courses, country clubs, gamelands, commercial riding stable, nature preserves, parks and recreation areas and resorts.

Recreation Facility, Indoor: A profit or non-profit business or public facility in which amusement, education, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Indoor recreation shall include but not be limited to movie theatres, indoor skating rinks, indoor sports facilities, gymnasiums, indoor shooting ranges and museums.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or towed by another vehicle (see Section 5.21). The basic entities are as follows:

- 1) **Camping Trailer.** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfolds at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- 2) **Motor Home.** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- 3) **Park Trailer.** A recreational vehicle that meets the following criteria:
 - a. Built on a single chassis mounted on wheels.
 - b. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
 - c. Have a gross trailer area not exceeding four-hundred (400) square feet in the set-up mode.
 - d. Have a gross trailer area not less than two-hundred forty (240) square feet and certified by the manufacturer as complying with ANSI A119.5.
- 4) **Travel Trailer.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or

weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than three-hundred twenty (320) square feet.

- 5) **Truck Camper.** A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

The following shall apply for floodplain management purposes: A portable or mobile vehicle, with no more than 400 sq. ft. of gross floor area, used for temporary living or sleeping accommodations without a permanent foundation. Included in this definition are travel trailers, truck campers, motor homes and similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used only in campground areas or recreational vehicle parks in the municipality or on a private lot.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation use.

Rehabilitation Center: an institution providing medical treatment, physical therapy or psychological therapy to bring or restore people to a normal or optimal state of health, constructive activity, etc. on a inpatient, outpatient or emergency basis.

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

Resort: A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including facilities for service of food to lodgers and/or nonlodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or nonlodgers.

Retail Business: A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

Riding Stable, Commercial: A building in which horses are kept for hire, remuneration or sale.

Riding Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Right-Of-Way: That portion of land dedicated to the public for use including but not limited to a street, drain, ditch, stream, utility easement or cross walk.

Roadside Stand: A temporary booth, stand or shelter located along a roadway, but off the right-of-way, from which farm, nursery or greenhouse products are offered for sale to the general public.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Self-Storage Facility: A warehouse facility where separate storage spaces, of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or non-commercial sales conducted from such storage areas.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Shopping Center: A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one or two-story buildings.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

Sign, Off Premises Advertising: A sign with a fixed message or an electronic graphic display which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Gross Surface Area: The entire area within a single continuous perimeter inclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Portable: Any sign or structure, which is not securely attached to the ground or any other structure.

Small Wind Energy System: A single tower, or multiple towers, situated on a lot to provide energy from a wind source to an individual home, multi-family residential use, office or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

Solid Waste Transfer Facility: A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

Special Exception Use: A use which, by its unique characteristics, must be approved by the Zoning Hearing Board before a zoning permit may be decided upon.

Storage Container: For the purposes of this Ordinance, a Storage Container shall be defined as an accessory structure used on a temporary basis for the collection or storage of personal items for ultimate disposal or subsequent storage at an off-site location, including personal on-demand storage ("PODS") units, dumpsters or similar containers, but excluding accessory Storage Trailers as defined herein.

Storage Trailer: That part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used for storage, as an accessory use.

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

Story, First: The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

Story, Half: A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Comprehensive Plan for the Township.

Minor Street: A street designed to afford primary access to abutting property.

Street Right-of-Way Line: The closest edge of the right-of-way as required by the municipal subdivision ordinance. (See also Lot Line-Front).

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Structure: Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted. (See also **Land Development**.)

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or bands by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non – commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

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

Temporary Use: The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

Tent: A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one *or* more unpierced firewalls from

ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Township: The Township of Cummings, Lycoming County, Pennsylvania.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Travel Trailer: See **Recreational Vehicle**.

Turbine Height, tower height: The distance measured from the surface grade of the tower foundation to highest point in vertical position of the turbine rotor blade.

Uniform Construction Code (UCC): The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Use: The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Vehicle Hobby Shops: An Accessory Use which is housed in the Home Owner’s household garage. Such use involves the repair or restoration of either licensed or unlicensed or Junk Motor Vehicles as a hobby for the personal use or interest of the Owner, such as classic or antique automobiles or antique farm tractors or machinery, and not for money, payment, employment or compensation from others.

Village: An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

Water Reuse Storage Facility: A stand-alone facility to accommodate tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of water that has been used and is being reused.

Water Withdrawal Facility: A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another location.

Waste: A material whose original purpose has been completed and which is directed to a disposal, processing or beneficial use facility or as otherwise disposed of, processed or beneficially used. The term does not include source separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection (DEP) for beneficial use.

Waste Facility: A municipal or municipal authority owned and operated facility where the land, structures and other appurtenances or improvements are utilized for the disposal or processing of municipal, residual or hazardous waste.

Waste Processing: any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste(s).

Waste Transfer Facility: A municipal or municipal authority owned and operated facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer to a waste facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

Waste Treatment: A method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize the hazardous substance or to render the hazardous substance nonhazardous, safer for transport, suitable for storage or reduced in volume. The term includes activity or processing designed to change the physical form or chemical composition of a hazardous substance so as to render it neutral or nonhazardous.

Wind Energy Facility: An electric generating complex of wind towers, whose main purpose is to supply electricity to the power grid, consisting of one (1) or more wind towers as the primary use and other accessory structures and buildings, including sub-stations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities

Wind Tower, or Tower: The total structure for converting wind sources into electricity through a system using a wind generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.

Yard: An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right – of – way line or front lot line, unoccupied and unobstructed from the ground upward.

Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the nearest lot line, unoccupied and unobstructed from the ground upward.

Yard, Minimum: The minimum area or open space required by this Ordinance to be provided between and front, side or rear lot line and a principal or accessory building (s) or structure(s) on the lot.

Yard Sale or Garage Sale: The sale by a resident conducted on the premises of personal property by the property owner, such as used clothing and household articles accumulated over several years as part of everyday living, belonging to the owner or occupant of such property.

Zoning: The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for Cummings Township, Lycoming County, Pennsylvania.

Zoning Map: The officially adopted Zoning Map of Cummings Township, Lycoming County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoning Ordinance: The Zoning Ordinance of Cummings Township, Lycoming County, Pennsylvania, as amended.

Zoning Permit: See **Permit**.

ARTICLE 3

Establishment of Zoning Districts and Zoning Map

3.1 Names and Purposes of Zoning Districts

Cummings Township is hereby divided into the following districts:

OSC - Open Space/Conservation District.

This district is intended to encourage the conservation of land, where the economics of building and supplying public services and facilities is not in the public interest. The district discourages development by reason of protecting areas having excessive slope, the need to preserve natural drainage courses, and the desire to provide open space. Problems can arise involving soil erosion, unstable slopes, stream and drainage way sedimentation, water supply contamination, and loss of aesthetic values. The district encourages only those uses that will enhance these environmental protection objectives.

R - Residential District.

This district is intended for application to open rural areas where public water and sewer facilities are not presently nor contemplated to be available in the foreseeable future. These regulations are to foster a single-family home environment and other uses including recreational and not of a commercial or industrial nature.

V – Village District.

This district is intended to provide for the logical growth of homes, businesses, and public uses presently existing in small village-like developments. These regulations protect the public health and safety, exclude non-compatible uses, encourage a variety of compatible uses to exist together in a village setting, and prohibit heavy commercial, industrial, and other similar uses of land which would substantially interfere with the development or continuation of the use of land in the district.

3.2 Zoning District Maps

3.2.1 Adoption of Official Zoning Map

The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map for the Township, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept at the Township office. If, and whenever, changes are made in boundaries or other matter included on an Official Zoning Map, such changes in the map shall be made after the amendment has been approved by the Cummings Township Supervisors.

3.2.2 Copies of Zoning Map

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

3.2.3 Zoning District Boundary Lines

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




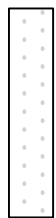
3.2.4 Interpretation of Boundaries

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

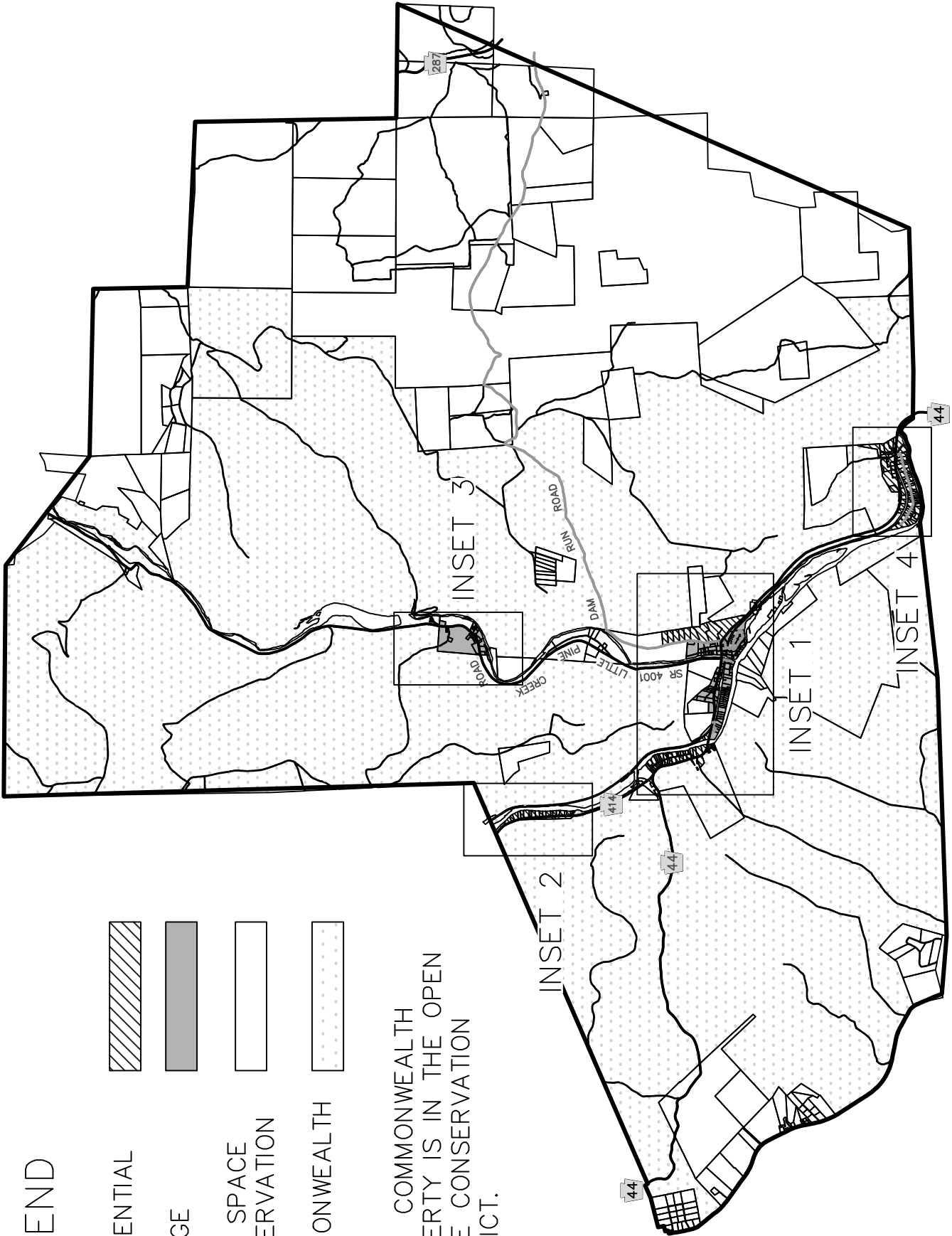
3.3 Floodplain Maps

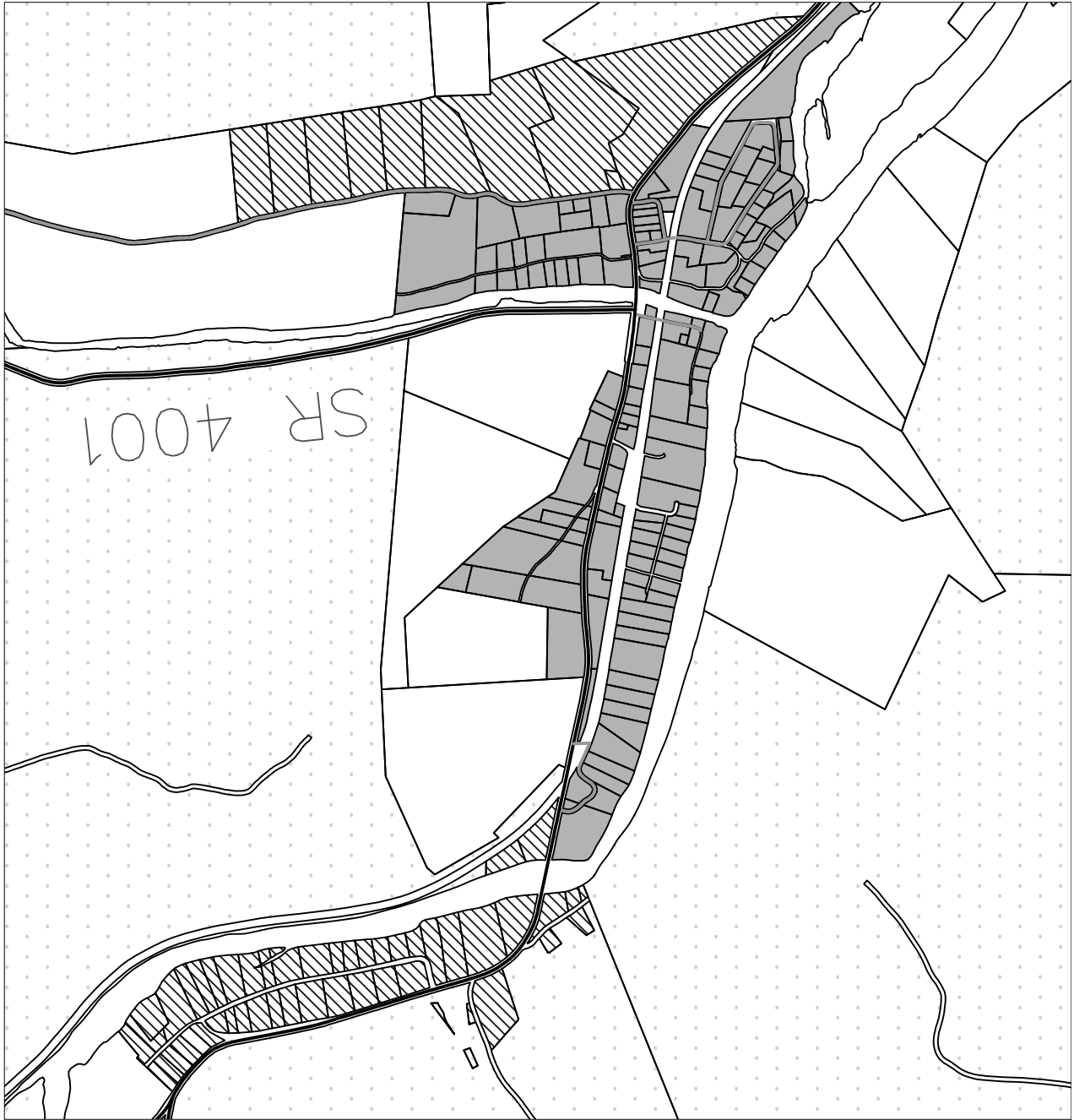
The floodplain map for the Township shall be Flood Insurance Rate Maps (FIRMs) dated June 2, 2016 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The FIRMs are shown as an overlay district on the Zoning Map and are also available on-line at *lyco.maps.arcgis.com*

LEGEND

- RESIDENTIAL 
- VILLAGE 
- OPEN SPACE CONSERVATION 
- COMMONWEALTH 

NOTE: COMMONWEALTH PROPERTY IS IN THE OPEN SPACE CONSERVATION DISTRICT.





LEGEND

- RESIDENTIAL
- VILLAGE
- OPEN SPACE CONSERVATION
- COMMONWEALTH

NOTE: COMMONWEALTH PROPERTY IS IN THE OPEN SPACE CONSERVATION DISTRICT.

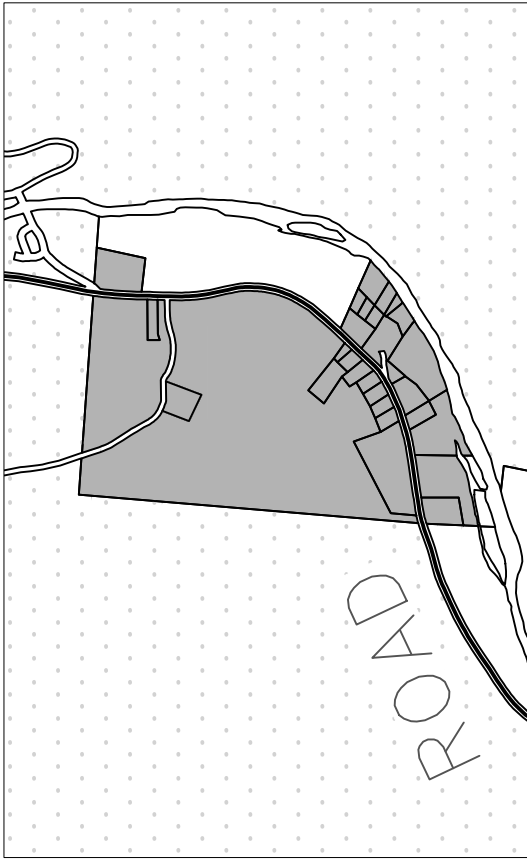
INSET 1

VILLAGE OF WATERVILLE

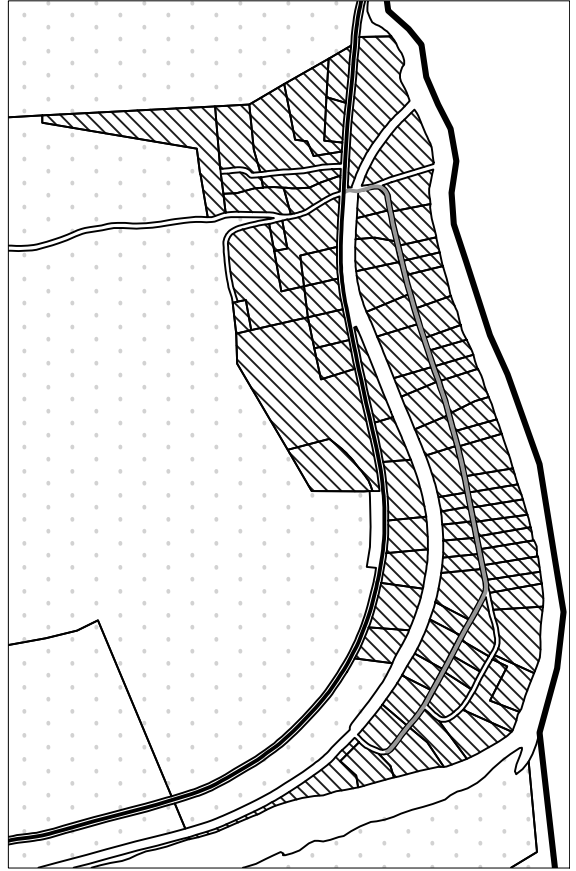
LEGEND

- RESIDENTIAL
- VILLAGE
- OPEN SPACE CONSERVATION
- COMMONWEALTH

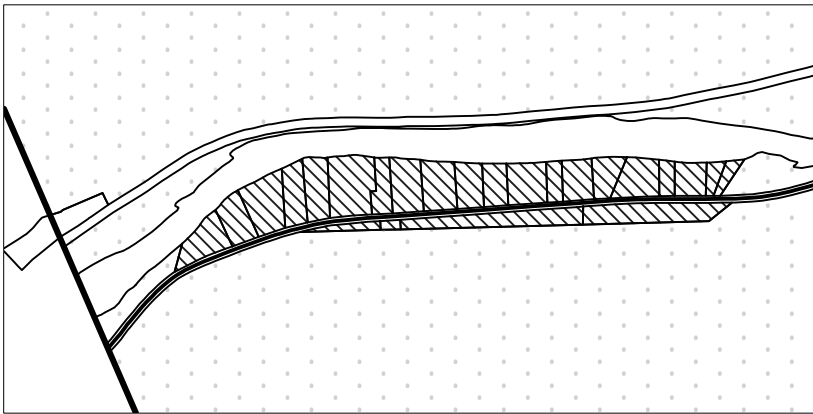
NOTE: COMMONWEALTH PROPERTY IS IN THE OPEN SPACE CONSERVATION DISTRICT.



INLET 3
HAPPY ACRES



INLET 4
RAMSEY VILLAGE



INLET 2
HARRISON FLATS

ARTICLE 4

District Regulations

4.1 Application of District Regulations

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

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

4.1.2 No building or other structure shall hereafter be erected or altered:

4.1.2.1 to exceed the height or bulk;

4.1.2.2 to accommodate or house a greater number of families;

4.1.2.3 to occupy a greater percentage of lot area;

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

4.2 Zoning Permits

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

4.3 Zoning Permit Exceptions

The following uses, related uses, and similar uses shall be exempt from the requirement of a zoning permit: Repair, reconstruction, or restoration (e.g. painting, re-siding, re-roofing) of a structure, whether principal or accessory, so long as the exterior dimension are not enlarged, nonconformities are not extended nor created, and the use is permitted in accordance with Section 4.5 of this Ordinance.

4.4 District Use Regulations and Dimensional Requirements

Specific use regulations and lot requirements are set forth on the tables that follow (see Sections 4.5 and 4.6) for the applicable zoning districts of Cummings Township.

§4.5 Cummings Township - Schedule of Uses

Key: P - Permitted Use
C- Conditional Use
x – not permitted

Uses	Zoning Districts		
	OSC	R	V
Accessory Uses/Structures (see §6.2 & §6.3)	P	P	P
Adult Day Care Center (see §5.8)	P	x	C
Adult Use (see §5.2)	C	x	x
Agricultural Business	C	x	x
Agricultural Operation (see §5.3)	P	C	x
Animal Hospital/Animal Kennel (see §5.4)	P	x	C
Automotive Car Wash, Repair, Sales or Service Facility (see §5.5)	P	x	C
Bed & Breakfast (see §5.6)	P	C	C
Child Care Center (see §5.8)	P	x	C
Cluster Subdivision (see §5.9)	C	x	x
Commercial Shooting Ranges/Preserves	P	x	x
Commercial Stables	P	x	x
Communications Antenna, Tower & Equipment Building (see § 5.10)	C	C	C
Composting/Recycling	P	x	x
Contractor's Yard (see § 5.11)	P	C	C
Correctional Facilities	C	x	x
Cultivation of Crops & Home Gardening (no zoning permit req'd)	P	P	P
Essential Services (no zoning permit req'd)	P	P	P
Family Child Care Home (see §5.8)	P	C	C
Forestry Activities (no zoning permit req'd)	P	P	P
Group Child Care Home (see §5.8)	P	x	x
Group Homes (see §5.12)	P	P	P
Home Occupation (see §5.13)	P	C	C
Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center (see §5.14)	P	x	x
Institutions, Nursing or Retirement Home, Assisted Living Facility (see §5.15)	C	x	x
Junkyard or Salvage Yard (see §5.16)	C	x	x
Lodges & Fraternal Organizations	P	C	C
Manufacturing, Research and Testing Laboratories (see §5.17)	C	x	C
Medical Offices, Clinic, Surgery Center	C	x	C
Mobile Home Park (see §5.18)	C	x	x
Multi-Family Housing Development (see §5.15)	C	x	x
Multiple Family Dwelling (see §5.15)	P	P	P
No Impact Home Based Business (see §5.19) (no zoning permit req'd)	P	P	P
Oil & Gas Well Development (see §5.20)			
Natural Gas Compressor Stations, Processing Plants, Metering Stations	C	x	x
Water Reuse Storage Facility, Water Withdrawal Facility	C	x	x
Oil & Gas Development	P	x	x
Professional Office, Professional Office Group	P	C	C
Public and Quasi –Public Use	P	C	P
Public Service Facility	P	P	P
Recreation, Indoor including Entertainment Facility, Museum	P	C	C
Recreation, Outdoor including Commercial Campgrounds (see §5.7)	P	x	x
Restaurant, Hotel or Motel, Convenience Market, Tavern	P	x	C
Retail, Banks, Wholesale, Printing or Non-Automotive Service or Repair Business	P	x	C
Roadside Stands (see §6.3.3)	P	C	P
Sawmill (see §5.21)	C	x	x
Self Storage Facility (see §5.22)	P	x	C
Shopping Center (see §5.23)	P	x	C
Single Family or Seasonal Dwelling, Hunting or Fishing Camp/Lodges	P	P	P
Surface Mining (see §5.24)	C	x	x
Two-Family Dwelling	P	P	P
Townhouses (see §5.25)	P	C	C
Trucking Terminal, Warehousing, Distribution Center	P	x	x
Waste Storage or Waste Transfer Facility (see §5.27)	P	x	x
Wind Energy Facility/Solar Energy Farm (see §5.28)	P	x	x

Zoning Districts: OSC – Open Space Conservation R – Residential V -Village

11/11/2020

See Table 4.6 for Minimum Yards and Lot Dimensions

Open Space/Conservation District		Residential District		Village District	
Minimum Lot Requirements	Minimum Yard Requirements	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Lot Requirements	Minimum Yard Requirements
Minimum lot area:	Principal Structure Front: 25 feet Side: 10 feet Rear: 20 feet	Minimum lot area: 1 acre (43,560 ft ²) per dwelling or principal structure	Principal Structure Front: 25 feet Side: 10 feet Rear: 20 feet	Minimum lot areas	Principal Structure Front: 25 feet Side: 10 feet Rear: 20 feet
Minimum lot width: 200 ft.	Accessory Structure Front: 25 feet Side: 10 feet Rear: 10 feet	Minimum lot width: 200 ft.	Accessory Structure Front: not authorized in front yard of principal structure Side: 10 feet Rear: 10 feet	Minimum lot width	Accessory Structure Front: not authorized in front yard of principal structure Side: 10 feet Rear: 10 feet
A larger minimum lot may be required based on DEP requirements for on-lot systems	Agriculture Operation: Front: 50 ft Side: 50 ft Rear: 50 ft	A larger minimum lot may be required based on DEP requirements for on-lot systems	A larger minimum lot may be required based on DEP requirements for on-lot systems	A larger minimum lot may be required based on DEP requirements for on-lot systems	A larger minimum lot may be required based on DEP requirements for on-lot systems
Minimum lot area for Agricultural Operation: 10 acres	Maximum Height & Lot Coverage	Minimum lot area for Agricultural Operation: 10 acres	Agriculture Operation: Front: 50 ft Side: 50 ft Rear: 50 ft	*public or community system	Principal Structures: Maximum Height: 45 ft (see §6.6 for exceptions)
See the Cluster Subdivision regulations in §5.9 for permitted deviations from areas, minimum yards and coverage for individual lots within a Cluster Subdivision	All Structures: Maximum Height: 45 ft (see §6.6 for exceptions) Maximum lot coverage: 50%		Maximum Height & Lot Coverage Principal Structures: Maximum Height: 45 ft (see §6.6 for exceptions) Accessory Structures Maximum Height: 25 ft		Accessory Structures Maximum Height: 25 ft Maximum lot coverage: 50%

ARTICLE 5

Supplemental Use Criteria

5.1 General Criteria

This purpose of this article to provide criteria to evaluate a proposed use for zoning approval as follows:

- Applicants are to use the criteria as a guideline for making a zoning permit application for a specific use.
- It shall be used by the Zoning Officer in addition to the standards found in Article 4 for the approval of a Permitted Use.
- It shall also be considered by the Board of Supervisors for determining an action to take on a Conditional Use application.

In addition to the specific supplemental use criteria identified for uses §5.2 through §5.29 within this article, the following general criteria shall apply to all use applications under this Ordinance.

- 5.1.1** Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 6 for supplemental regulations that may apply.
- 5.1.2** The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.
- 5.1.3** A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development.
- 5.1.4** A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations.
- 5.1.5** It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location.
- 5.1.6** The use or adaptation of a structure or lot for a new use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board.

- 5.1.7** In the event central sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. In the event that central sewer and water facilities are not required under this Ordinance, DEP approved on-lot facilities shall be provided.
- 5.1.8** Stormwater management facilities shall be provided which shall be designed to comply with the Cummings Township Stormwater Management Ordinance by providing controlled release, infiltration and recharge area; evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners.
- 5.1.9** Compliance with the floodplain regulations of the Municipality and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.
- 5.1.10** Permanent screening and landscaping shall be provided in accord with Section 6.14 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 5.1.11** Lighting facilities shall be designed in accordance with Article 7 and to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 5.1.12** Sites shall be designed and constructed in accord with the applicable Subdivision and Land Development regulations.
- 5.1.13** Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 5.1.14** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated.
- 5.1.15** All lots and buildings shall have access by way of an internal driveway or street system and shall have convenient emergency vehicle and equipment access.
- 5.1.16** **Decommissioning**
- Decommissioning is a requirement for select uses as identified elsewhere in this Ordinance or as a condition of approval as determined by the Board of Supervisors in a Conditional Use application. Decommissioning requires

removal of a facility at the end of its useful life and the provision of a fund to cover the cost of removal and for site restoration.

- 5.1.16.1** The Facility Owner and Operator shall, at its expense, complete decommissioning of the Facility, within (12) twelve months after the end of its useful life. The Facility will presume to be at the end of its useful life if not utilized for a continuous period of twelve (12) months.
- 5.1.16.2** Decommissioning shall include removal of towers, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches below ground level, and any other associated facilities.
- 5.1.16.3** Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- 5.1.16.4** An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, 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.
- 5.1.16.5** The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; Provided, that at no point shall Decommissioning Funds be less than twenty five percent (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.
- 5.1.16.6** Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- 5.1.16.7** If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 5.1.16.1, then the landowner shall have six (6) months to complete decommissioning.
- 5.1.16.8** If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 5.1.16.1 and 5.1.16.7, 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.

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

5.2 Adult Uses

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

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

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

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

5.3 Agricultural Operations

When applicable the following criteria shall apply for Agricultural Operations:

5.3.1 Manure Storage Facilities

New or expanded manure storage facilities shall be constructed in accord with 25 Pa. Code § 83.351 through § 83.491 (Subchapter D. Nutrient Management Act) and 25 Pa. Code § 91.36 (Pollution Control and Prevention at Agricultural Operations), and any other applicable federal or state laws relating to said facility. The applicant shall provide documentation to the Zoning Officer that demonstrates compliance with the above referenced regulations, and/or federal and state laws.

5.3.2 Stormwater Requirements for New Agricultural Buildings

Applicants for new agricultural buildings shall submit a storm water

management (SWM) site plan for approval in accord with the Cummings Township Management Stormwater Management Ordinance unless qualifying for an exemption under that ordinance.

5.3.3 Truck Access

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

5.4 Animal Hospitals or Animal Kennels

Animal Hospitals and Animal Kennels may be permitted if meeting the following criteria:

- 5.4.1** The applicant shall provide evidence of a kennel license from the PA Department of Agriculture prior to issuance of a zoning permit for this use.
- 5.4.2** Demonstration that the facilities will not create conditions interfering with the peaceful use and enjoyment of adjoining properties due to noise or odor.
- 5.4.3** Demonstration that all animals will be confined to the property.
- 5.4.4** Demonstration of adequate methods for sanitation and sewage disposal.
- 5.4.5** Outdoor runs shall not be permitted in the Village District and in all other districts shall be located at least 200 feet from any dwelling not located on the premises, at least 400 feet from any public or quasi-public building, and at least 100 feet from any lot line.
- 5.4.6** Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.
- 5.4.7** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, buildings, runs, and other physical features, existing and proposed.

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

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

- 5.5.1** No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.
- 5.5.2** Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.
- 5.5.3** All fuel, oil, propane gas, or other similar substances shall be stored at least 30 feet from any street right-of-way or property line. Additional permits may be necessary to meet State requirements regarding storage tanks.
- 5.5.4** All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be disposed in a dumpster or stored within a building.
- 5.5.5** Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain noise, vibrations, air emissions, and odor generated by the activity.
- 5.5.6** Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.
- 5.5.7** No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.
- 5.5.8** Screening or landscaping shall be provided in accord with Section 6.14 when this use is adjacent to residences, churches or similar uses.

5.6 Bed and Breakfast

5.6.1 Intent

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

5.6.2 Standards

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

- 5.6.2.2 Off-street parking shall be provided in accord with Section 6.10. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.
- 5.6.2.3 All necessary state and municipal permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.
- 5.6.2.4 Room rentals to families or individuals shall not exceed 14 consecutive days.
- 5.6.2.5 Compliance with the sign regulations of Article 8 shall be maintained.

5.7 Commercial Campground

- 5.7.1 *DEP Definition* - A portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space.
- 5.7.2 The maximum number of camping spaces within each campground shall be no more than ten (10) per acre of the total area of the tract or tracts.
- 5.7.3 Each camping space shall be numbered for emergency response purposes and shall have a minimum area of three thousand five hundred (3,500 sq.ft.) square feet. All recreational vehicles or tents in a campground shall be assigned to a camping space. No camping space shall have more than one (1) recreational vehicle or two (2) tents assigned to it.
- 5.7.4 The placement of any recreational vehicle (RV) or other type of camper trailer, truck camper, or vehicle is prohibited in the floodway section of the Regulatory Floodplain.
- 5.7.5 The campground owner shall be responsible for the maintenance of all campground facilities, including areas designated as open space, streets, sewage disposal and water supply systems, and solid waste collection.
- 5.7.6 Flood Evacuation Plans. Whenever such uses are situated in the regulatory floodplain, the campground owner shall be ultimately responsible for evacuation of all units within the campground prior to the occurrence of an anticipated flood event. In addition, the campground owner shall maintain on file with the Township Zoning Administrator, an evacuation plan which includes the following:

- 5.7.6.1** A narrative description of the manner in which the site will be safely evacuated upon public announcement of a possible flood event by the National Weather Service or the Emergency Management Agency;
- 5.7.6.2** Sufficient evidence that all recreational vehicles, campers, travel trailers, and similar temporary uses will be removed from the regulatory floodplain prior to the occurrence of a flood event;
- 5.7.6.3** The designation of an appropriate site to store each unit during the flood emergency;
- 5.7.6.4** The name, address and telephone number of the campground owner, individuals designated to remove each unit during a flood emergency and other responsible parties such as park management and maintenance personnel and all persons responsible as backup;
- 5.7.6.5** Evidence that park rules and regulations require recreational vehicles, campers, travel trailers, and similar vehicles to:
 - 5.7.6.5.1** maintain a current vehicle registration
 - 5.7.6.5.2** be properly maintained, and fully operational at all times
 - 5.7.6.5.3** be transportable and not permanently affixed to the land; and,
- 5.7.6.6** Confirmation from the applicant that park rules and regulations, in addition to the evacuation plan, has been conspicuously posted at park entrances and at a central location of the campground.
- 5.7.7** The campground layout must demonstrate compliance with all of the requirements of the Pennsylvania Department of Environmental Protection and regulations found in Pennsylvania Code Title 28 Chapter 19 regarding organized camps and campgrounds.
- 5.7.8** The Campsite Standards of the Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, shall be used as a guide for campsite layout and construction, taking into account local site constraints such as topography and vegetation.
- 5.7.9** Campground spaces in floodplain locations shall comply with the applicable requirements of the Township Floodplain Ordinance (see Article 9).
- 5.7.10** A buffer strip of at least one hundred (100) feet wide shall be maintained from any camp space to exterior property lines, or existing public roads or highways.

5.8 Child Care Center, Adult Day Care Center, Family Child Care Home, and Group Child Care Home

Uses under this section must comply with the following provisions:

- 5.8.1** The facility shall be located in an area that is free from conditions dangerous to the physical and moral welfare of children or adult clientele.
- 5.8.2** The applicant shall provide a copy of the license or registration issued or required by PA Dept. of Human Services for the facility. If on-lot sewage facilities are to be utilized the Township Sewage Enforcement Officer shall provide evidence of adequate sewage facilities for the use.
- 5.8.3** A site plan shall also be provided, drawn to scale, and clearly showing the following:
 - 5.8.3.1** The dimensions and acreage of the site and its relationship to surrounding properties.
 - 5.8.3.2** The layout of the entire project including the proposed use and location of all buildings.
 - 5.8.3.3** The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
 - 5.8.3.4** The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
 - 5.8.3.5** The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
 - 5.8.3.6** The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
 - 5.8.3.7** The location of existing and proposed utility lines, water courses and drainage lines and easements.
 - 5.8.3.8** Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

5.9 Cluster Subdivision in the Open Space Conservation District

5.9.1 Statement of Purpose

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

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the

applicable Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The approval for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, County, State, or Federal Government.

5.9.2 Applications For Cluster Subdivision Development in the Open Space Conservation District

Any developer who desires to initiate a Cluster Subdivision shall submit an application to the Township through the Zoning Officer accompanied by:

- 5.9.2.1** Location map showing the project in relation to the surrounding area;
- 5.9.2.2** Sketch plan showing:
 - 5.9.2.2.1** Property lines and easements with dimensions and area;
 - 5.9.2.2.2** Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
 - 5.9.2.2.3** The building types, sections, floor plan, and site sections to clearly define the character of the project; the Township Supervisors may require a model if deemed necessary;
 - 5.9.2.2.4** Topographic information showing existing features, conditions, and proposed grading;
 - 5.9.2.2.5** Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
 - 5.9.2.2.6** Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
- 5.9.2.3** Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and
- 5.9.2.4** Written information regarding the following:
 - 5.9.2.4.1** The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and

function of the open space in terms of the densities and dwelling types proposed in the plan;

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

5.9.3 Criteria For Granting Approval For Cluster Subdivision

The approval for a cluster subdivision shall only be granted if evidence is presented showing that all applicable criteria of Section 5.1 has been met.

5.9.4 General Qualifications

5.9.4.1 Minimum Tract Size

The minimum tract size for a cluster subdivision shall be 10 acres.

5.9.4.2 Density

The gross density of a cluster subdivision shall not exceed five (5) dwelling units per acre. For example, determination of the number of units allowable on a tract for cluster subdivision in the Open Space Conservation District is as follows:

Gross acreage of parcel, times 5 units/acre, equals total number of dwelling units permitted.

5.9.4.3 Types of Dwelling Units

Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this article. All units proposed shall be for sale only.

5.9.4.4 Permitted Lot Area Reductions

For cluster subdivisions single family detached and two family dwellings may be reduced up to 50% from the two acre minimum established in Article 4 for the Open Space Conservation district. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit.

5.9.4.5 Yard Dimensions

5.9.4.5.1 Minimum Yards for Single Family Detached and Double Dwellings:

Front: 25 ft.

Side: 0 ft.

Rear: 10 ft.

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

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

5.9.4.6 Landscaped Buffer Areas

Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Zoning Hearing Board. Also, refer to the Screening, and Landscaping regulations found in Section 6.14.

5.9.5 Special Housing Qualifications

5.9.5.1 Townhouse Group

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

5.9.5.2 Spacing Of Structures

Minimum distances between structures shall be:

Single Family Detached	10 feet.
Double Dwelling	20 feet.
Townhouse	Forty (40) feet between buildings.
Multi-Family Dwelling	Forty (40) feet between buildings.

5.9.6 Garages and Accessory Buildings

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

5.9.7 Impervious Coverage

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

5.9.8 Maximum Building Height

Thirty-five (35) feet.

5.9.9 Miscellaneous Regulations

5.9.9.1 Utilities

Public or community sewer and water facilities shall be provided.

5.9.9.2 Off-Street Parking

See Off-Street Parking and Loading regulations in Section 6.10.

5.9.9.3 Sign Regulations

See the regulations for Signs in Article 8.

5.9.9.4 Fence Regulations

See the regulations for Accessory Structures in Article 6.

5.9.9.5 Automobile Trailers and Mobile Homes

Shall not be permitted in a Cluster Subdivision.

5.9.10 Common Area Requirements

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

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

5.10 Communications Antennas, Communication Equipment Buildings, and Communications Towers

This regulation is intended to control communication towers as defined in this Ordinance,

and all other similar uses or structures shall be in accordance with this Section, and in addition, the following criteria shall apply:

- 5.10.1** Building mounted Communications Antennas shall not be permitted on any single family dwelling or two family dwelling.
- 5.10.2** Structure mounted Communication Antennas shall be permitted to exceed the height of the structure to which the antenna is attached by no more than twenty (20) feet.
- 5.10.3** Omni directional or whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 5.10.4** Direction or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 5.10.5** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- 5.10.6** Any applicant proposing Communication Antennas to be mounted on Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 5.10.7** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements an/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communication Equipment Building can be accomplished.
- 5.10.8** Communication Antennas shall not cause radio frequency interference with other communication facilities located in the Township.
- 5.10.9** A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- 5.10.10** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable, and Communication Antennas.

- 5.10.11** The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- 5.10.12** Communication Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 5.10.13** The applicant proposing construction of a new Communication Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communication Tower. A good faith effort shall require that all owners of potentially suitable Structures within materially the same coverage area of the proposed Communication Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
- 5.10.13.1** The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
- 5.10.13.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.
- 5.10.13.3** Such existing Structures do not have adequate locations, space, access or height to accommodate the proposed equipment or allow it to perform its intended function.
- 5.10.13.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- 5.10.13.5** A reasonable agreement could not be reached with the owner of such Structures.
- 5.10.14** Access shall be provided to the Communication Tower and Communication Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width.
- 5.10.15** A Communications Tower may be located on a lot occupied by other principal Structure and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

- 5.10.16** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevation drawings for determining compliance with all applicable provisions of this ordinance.
- 5.10.17** Any applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- 5.10.18** The foundation and base of any Communication Tower shall be set back from a property line (not lease line) at least 120% of the Tower height.
- 5.10.19** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communication Equipment Building from abutting properties.
- 5.10.20** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communication Tower will be designed and constructed in accordance with the current Structural Standards for Steel antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunication Industry Association and any applicable Building Code.
- 5.10.21** The applicant shall submit a copy of its current Federal Communication Commission license; the name, address and emergency telephone number for the operator of the Communication Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000. per occurrence and property damage coverage in the minimum amount of \$1,000,000. per occurrence covering the Communication Tower and Communication Antennas.
- 5.10.22** All guy wires associated with guyed Communication Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.
- 5.10.23** The site of a Communication Tower shall be secured by a fence with a height of eight (8) feet to limit accessibility to the general public.
- 5.10.24** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized. Lighting shall be evaluated for impacts to adjacent properties.

- 5.10.25** The preferred tower design is one that blends with the landscape. The “Guidelines for Utility Towers” found in the *PA Wilds Guidelines for Community Character Stewardship, Second Edition 2017* are a reference to be utilized for tower design.
- 5.10.26** Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 5.10.27** Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section 5.1.16.
- 5.10.28** One off street parking space shall be provided within the fenced area.

5.11 Contractor Yard

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

- 5.11.1** This use shall only be permitted in conjunction with the contractor’s own residence.
- 5.11.2** The minimum lot size for a contractor yard shall be three acres.
- 5.11.3** Land development and stormwater plans will be required for new building or lot coverage in accord with the Cummings Township Subdivision and Land Development Ordinance and the Cummings Township Stormwater Management Ordinance unless qualifying for an exemption under those ordinances.
- 5.11.4** A contractor’s equipment may be stored outdoors or within an equipment building. For outdoor storage a screening or landscape plan in accordance with Section 6.14 shall be required when within 200 feet of an adjacent residential use.
- 5.11.5** Outdoor lighting and signs are authorized in accordance with Article 7 and 8 respectively.
- 5.11.6** Provision for off-street parking shall be made in the event of employee parking on the premises.
- 5.11.7** The retail or wholesale of goods from the premises is not authorized.

5.12 Group Home

- 5.12.1** The Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 5.12.2** The Group Home shall maintain a residential neighborhood character.
- 5.12.3** The Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- 5.12.4** The Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 5.12.5** Off-street parking spaces shall be provided for all vehicles associated with the Group Home including the householder, residents, attendant caregivers, and visitors (see Section 6.10).

5.13 Home Occupations

- 5.13.1** The area devoted to the home occupation shall be located wholly within either the operator's dwelling or an attached or detached accessory building and shall be equivalent to not more than 40 percent of the gross floor area of the dwelling, except for family day care homes.
- 5.13.2** There shall be no more than one nonresident employed in the home occupation.
- 5.13.3** A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safe and comfortable enjoyment of individual property rights of the neighborhood in which the use is located.
- 5.13.4** There shall be no exterior display or sign, except as may be permitted in Article 8, and no outdoor, unenclosed storage of materials associated with the business on the premises.
- 5.13.5** No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line.
- 5.13.6** A minimum of two additional off-street parking spaces shall be provided.

5.13.7 The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.

5.14 Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Facility

5.14.1 Minimum Lot Area: 10 acres

5.14.2 Minimum Lot Width: 400 ft.

5.14.3 Minimum Yards – Perimeter

front: 80 ft.
side: 40 ft.
rear: 40 ft.

5.14.4 Minimum Yards – Internal Streets and Driveways 15 ft.

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

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

5.15.1 Multiple-Family Dwellings

5.15.1.1 Multiple-Family Dwellings, including both new construction and the conversion of an existing dwelling structure shall be limited to one multiple-family dwelling structure per lot and shall meet the minimum lot area and maximum height and lot coverage standards for the applicable district (see §4.6). Newly constructed multiple-family dwellings and existing structure alterations shall also meet the minimum yard requirements of the district in which located.

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

5.15.1.3 The applicant for this use shall demonstrate compliance with the applicable building code in order to receive an approval.

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

5.15.1.5 All parking spaces shall be off-street in accordance with Section 6.10.

5.15.2 Institutional Residences and Multiple-Family Dwelling Developments

5.15.2.1 Minimum Lot Area: 3 acres

5.15.2.2 Maximum Gross Density for Multi-family Dwelling:

5 dwelling units per acre

5.15.2.3 Minimum Lot Width: 300 ft.

5.15.2.4 Minimum *Perimeter* Yards

front: 50 ft.

side: 20 ft.

rear: 30 ft.

5.15.2.5 Minimum Building Separation: 30 ft.

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

5.16 Junk Yard or Salvage Yard

Junk Yards may be permitted only if they comply with the following:

5.16.1 Such uses shall be conducted within a building or entirely enclosed within a solid fence not less than eight (8) feet in height and made of suitable, permanent material. In addition, a twenty-five (25) foot buffer yard and/or landscaping as set forth in Section 6.14 of this Ordinance shall be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

5.16.2 Such premises shall at all times be maintained so as not interfere with the peaceful enjoyment of surrounding property or create a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

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

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

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

5.17 Manufacturing, Warehousing, Laboratory Uses

- 5.17.1 These uses shall abut or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.
- 5.17.2 At least 75% of all operations shall occur within a fully enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.
- 5.17.3 Manufacturing uses generating noises, vibration, radioactivity, toxic or noxious materials, glare, heat, dust, fly ash, smoke or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.
- 5.17.4 Land development plans shall be required showing all structures, roadways, pathways, parking areas, service drives, loading and unloading areas, utility and exterior lighting installations and landscaping on the site, drainage and stormwater management facilities, all existing structures and usages within two hundred (200) feet of the site boundaries, location of proposed sewage disposal and water supply facilities, and other elements as may be deemed essential by the Board of Supervisors.

5.17.5 Design Standards

- 5.17.5.1 **Access:** Proposed site accessways shall not exceed two (2) in number, shall be adequate in grade, width, alignment and visibility, and not situated too close to a street intersection, entrances to schools or places of public assembly. (See the Cummings Township Driveway Ordinance for additional design criteria.) In addition, a copy of the proposed development shall be submitted to PennDOT for review when access is to be created along a state highway. Any permits required by that

agency must be obtained by the developer before final approval is granted for the land development.

- 5.17.5.2 Circulation and Parking:** The interior circulation system must be adequate for safe movement of all vehicles, and all required parking spaces must be provided and be easily accessible by driveways within the site. See Section 6.10, Off Street Parking and Loading Requirements.
- 5.17.5.3 Streets and Drainage System Requirements:** All structures within a planned commercial or industrial development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road standards of the Township and the Cummings Township Stormwater Management Ordinance unless qualifying for an exemption under that ordinance.
- 5.17.5.4 Arrangement of Buildings:** Adequate provisions must be made for light, air, access, and privacy in the arrangement of the buildings to each other.
- 5.17.5.5 Sewage Treatment and Water Supply:** Adequate public or community sewer and water facilities must be available or provided by the developer. Proper approvals for proposed systems must be presented to the Supervisors and Planning Commission by the applicant.
- 5.17.5.6 Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans):** Evidence of an Erosion and Sediment Control Plan and NPDES Permit (when applicable) shall be furnished to the Township.
- 5.17.5.7 Landscaping:** A landscaping plan shall be prepared as part of the land development application which enhances the natural qualities of the land, including screening and buffer strips when necessary to separate conflicts with adjoining property or land uses. See Section 6.14, Screening and Landscaping.
- 5.17.5.8 Loading and Unloading:** All required loading and unloading facilities and spaces shall be provided and designed in accordance with Section 6.10, Off Street Parking and Loading.
- 5.17.5.9 Solid Waste Collection and Disposal:** The Developer shall present information describing the proposed method of solid waste collection and disposal.

5.17.5.10 Outdoor Lighting: All outdoor lighting for such a facility shall be non-flashing, non-animated, non-glaring and shall be of an intensity consistent with the standards of Article 7, Exterior Lighting Standards.

5.18 Mobile Home Park

5.18.1 Minimum Park Area: 2 acres

5.18.2 Minimum Lot Width: 200 ft.

5.18.3 Maximum Gross Site Density: 5 dwelling units per acre

5.18.4 Minimum Building Separation: All mobile homes shall be separated a minimum of 50 ft. from auxiliary park buildings.

5.18.5 Minimum Yards for Site Perimeter:

front: 25 ft., but not less than 50 ft. from road centerline
side: 50 ft.
rear: 50 ft.

minimum side and rear yards may be reduced to 25 ft. when screening in accord with Section 6.14 is provided.

5.18.6 Mobile Home Park – Individual Lots

5.18.6.1 Minimum Lot Area: 6,000 sq. ft.

5.18.6.2 Minimum Lot Width: 50 ft.

5.18.6.3 Minimum Yards:

front: 20 ft.
side: 10 ft.
rear: 10 ft.

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

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

5.19 No Impact Home Based Business

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

5.20 Oil and Gas Well Development and Related Facilities

5.20.1 Purpose

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

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

5.20.2 Criteria for Specific Activities

5.20.2.1 Pipeline Construction and Seismic Operations

Pipeline construction and seismic operations shall be a permitted use within all zoning districts; provided, that such activities are conducted in accordance with all applicable Federal and State laws and regulations, including, but not limited to those relating to the storage and use of explosives.

5.20.2.2 Natural Gas Compressor Stations, Processing Plants, Metering Station

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

5.20.2.2.2 Proposed structures must be located 350 feet from any public or private road and public or private highway.

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

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

5.20.2.2.5 All lights located on any site shall be shielded, designed and directed in such a manner so that they do not shine directly onto any public road or adjacent dwelling. Also see Article 7, Exterior Lighting Standards.

5.20.2.2.6 Must operate in such a manner that the noise level generated by the natural gas compressor station does not exceed the applicable standard imposed by Federal law; documentation to this effect is required with zoning application.

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

5.20.2.2.8 Natural gas compressor stations/processing plants/metering stations shall be fenced and buffered from adjacent areas in accordance with the requirements of Section 6.14 of this Ordinance.

5.20.2.2.9 Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section 5.1.16.

5.20.2.3 Water Reuse Storage Facility, Water Withdrawal Facility

5.20.2.3.1 Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section 5.1.16.

5.20.2.3.2 Impoundments that are used solely for fresh water storage do not require a zoning permit.

5.20.2.3.3 Water reuse storage facility shall be fenced and buffered from adjacent areas in accordance with the requirements of Section 6.14 of this Ordinance.

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

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

5.20.2.4 Oil and Gas Development

5.20.2.4.1 These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of the ordinance codified in this Part.

5.20.2.4.2 Any physical modification to an existing site materially altering the size, type, location and/or number of wells or

other accessory equipment shall require a permit or, in the case of additional wells, notice under this Part.

- 5.20.2.4.3** Permit fees will be based on the area of the well pad or the area to be developed for accessory uses for a well pad.
- 5.20.2.4.4** Oil or gas well sites are prohibited unless the outer edge of the well pad is at least 750 feet from an existing building.
- 5.20.2.4.5** Oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities, are prohibited from taking place within 750 feet of an existing building.
- 5.20.2.4.6** All oil and gas development shall be governed by Pennsylvania statute.

5.20.2.5 Application Requirements

A zoning permit shall be required prior to the commencement of all new oil or gas activities, and to the addition to any existing activity or sites that materially alter the size or location of the existing site or activity. The applicant shall provide the Township with the following information at the time of permit application:

- 5.20.2.5.1** All information required on the zoning permit application;
- 5.20.2.5.2** A narrative describing the proposed activity;
- 5.20.2.5.3** The approximate number of acres to be disturbed for development;
- 5.20.2.5.4** Proposed structures and buildings; for oil and gas activity applications, the proposed number of wells, including the DEP permit number(s) for any or all wells if available at the time of submittal and provided when issued later;
- 5.20.2.5.5** Identification of area roads that will be used to access the site and description of the vehicles relating to the use. When appropriate, furnish a copy of the excess maintenance agreement for any road with weight limits that will be used;

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

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

5.20.2.6 Floodplain Considerations

5.20.2.6.1 Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain (see Article 9 – Cummings Township Floodplain Management Ordinance).

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

5.20.2.6.3 Drilling associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are discouraged. Upon reasonable justification submitted by the applicant that the only suitable place on the property controlled by the applicant to access the gas or oil is from a site area located in the flood fringe segment of the regulated (or 100-year) floodplain, a zoning permit may be issued by the Zoning Officer, provided that compliance is demonstrated with the floodplain regulations of the Township and upon submission of a flood evacuation plan.

5.21 Recreational Vehicle on a Private Lot Without an Existing Residence

Recreational vehicles (including a motor home, camping trailer, travel trailer, truck camper, or park trailer) being placed on a lot for periodic or seasonal use as a camp, lodge, or vacation home shall be subject to the following conditions:

5.21.1 A Zoning/Development Permit must be obtained prior to the use of a lot for the placement of any such vehicle.

5.21.2 All permits for temporary placement are for a period of six (6) months and must be renewed annually.

- 5.21.3 A single permit may also be utilized for multiple short-term “guest” visits by an additional single recreational vehicle not exceeding 28 days total in any 6 months period.
- 5.21.4 The number of units per lot allowed for the full season under the permit will be governed by the following table and based on Zoning District and Lot Size:

Lot Size	Zoning District		
	OSC	R	V
Less than 1.5 acres	1	1	1
1.5 – 2 acres	2	2	1
Greater than 2 acres	3	2	1

- 5.21.5 Recreational vehicles shall comply with residential site development standards in Section 4.6 – Table of Lot Standards.
- 5.21.6 All recreational vehicles shall also comply with Section 5.07 of the Township Floodplain Management Ordinance found in Article 9 of this Ordinance.
- 5.21.7 No year-round or full-time occupancy will be permitted.
- 5.21.8 All recreational vehicles shall be provided with adequate sanitary sewage facilities and water supply subject to the applicable rules and regulations of the Pennsylvania Department of Environmental Protection (DEP).
 - 5.21.8.1 When a structure or vehicle is to be placed on a lot for a period of time exceeding fourteen (14) consecutive days, a sub-surface sewage disposal system or other DEP approved system must be provided.
 - 5.21.8.2 When a unit is to be placed for less than fourteen (14) consecutive days, a self-contained holding tank with permission to periodically dump at a DEP approved dumping station may be considered sufficient.
 - 5.21.8.3 A commercial “job johnnie” or “portalet” or the like may be used for waste containment for recreational vehicles that do not have the ability to connect to sub-surface sewage disposal systems or do not have a self-contained holding tank. In this case the recreation vehicle owner must provide the township with a signed copy of the contract with a licensed commercial vendor to regularly pump sewage from the unit and otherwise maintain it.
- 5.21.9 No buses, trucks, or similar vehicles may be permitted as seasonal housing structures.

5.21.10 Any solid waste generated by the facility shall be collected and disposed of properly by the permittee or property owner.

5.21.11 The recreation vehicle owner shall be responsible for removal of the unit from the floodplain in the event of a highwater condition.

5.22 Sawmill

5.22.1 Intent: The following conditions are intended to provide for the reasonable operation of sawmills within the Township while providing reasonable protection to the neighborhood in which the sawmill operation will occur against possible detrimental effects of operations. This section shall not apply to portable or temporary mills setup for a period of 120 days or less.

5.22.2 General: Sawmills shall be located and buffered in such a manner as to minimize the noise-related impacts associated with the operations. The following setbacks shall apply:

5.22.2.1 Sawmill activities shall not occur within 500 feet of the Residential or Village Districts.

5.22.2.2 Sawmill activities shall not occur within 500 feet of any residential dwelling unless the applicant obtains written permission of the property owner (s) consenting to the operation. The consent document shall be suitable for recording at the Lycoming County Recorder of Deeds Office and a copy of the receipt for recording provided to the Zoning Officer.

5.22.2.3 Sawmill activities shall not occur within 500 feet of any public or quasi-public building, public park, or other public institution unless the governing body having jurisdiction over the site has consented to the operation.

5.22.3 Operational Conditions

5.22.3.1 Discontinuance of Use. Discontinuation of the operations for a period of more than one year shall result in the loss of the vested status for the operation.

5.22.3.2 Hours of Operation. The hours of operation at any site may be limited as the Board of Supervisors deems appropriate.

5.22.3.3 Site-specific conditions. The Board of Supervisors may impose other conditions not listed above as are determined to be necessary and appropriate to protect the public health, safety and welfare, provided

that the conditions do not preclude the reasonable conduct of the sawmill operations.

5.22.3.4 Fencing and Screening. The applicant shall provide details showing any fencing and/or screening proposed for the site. The Board of Supervisors may impose fencing and/or screening conditions as it deems necessary to protect the public health, safety and welfare.

5.22.3.5 Minimum Lot Size. The sawmill operation shall be located on a parcel a minimum of 20 acres in size.

5.22.3.6 Erosion and Sedimentation Controls. If applicable an Erosion and Sedimentation Control Plan and NPDES Permit shall be secured for the sawmill operations.

5.23 Self-Storage Facility

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

5.23.2 The premises shall be used exclusively for the storage of personal property, goods and materials. No hazardous materials or substances shall be stored within the units.

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

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

5.23.5 A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Sections 5.1.10, 5.1.11 and 5.1.12 respectively).

5.24 Shopping Center

5.24.1 Minimum Lot Area: 10 acres

5.24.2 Minimum Lot Width: 400 ft.

5.24.3 Minimum Yards

front:	80 ft.
side:	20 ft.
	(abutting a residential use) 40 ft.
rear:	20 ft.
	(abutting a residential use) 40 ft.

5.24.4 A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Sections 5.1.10, 5.1.11 and 5.1.12 respectively).

5.25 Surface Mining

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

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

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

5.25.3 This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any waterway.

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

5.25.5 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;

5.25.5.1 Hydrologic analysis and information;

5.25.5.2 Information concerning geologic conditions;

5.25.5.3 USDA - NRCS soils classification information;

- 5.25.5.4 Information on mineral bearing areas;
- 5.25.5.5 Land use analysis;
- 5.25.5.6 Information regarding transportation impacts;
- 5.25.5.7 Information regarding emergency and safety services;
- 5.25.5.8 Economic impact analysis; and
- 5.25.5.9 Air quality impact analysis.

5.26 Townhouses

5.26.1.1 Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

5.26.1.2 Minimum tract size for a development: 3 acres

5.26.1.3 Maximum Gross Density: 5 dwelling units per acre

5.26.1.4 Minimum Building Lines

- front: 25 ft.
- side: zero (between units)
40 ft. (between buildings)
- rear: 30 ft.

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

5.27 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or

deny the use in accordance with the standards governing conditional use applications set forth in Section 14.2 of this Ordinance. In addition, the use may only be permitted if:

- 5.27.1** It is similar to and compatible with the other uses permitted in the zone where the subject property is located;
- 5.27.2** It is not permitted in any other zone under the terms of this Ordinance; and
- 5.27.3** It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

5.28 Waste Facility or Waste Transfer Facility

- 5.28.1** No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.
- 5.28.2** All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the facility):
 - 5.28.2.1** Within 2 aerial miles of a well or spring used for a community water supply;
 - 5.28.2.2** Within 2 aerial miles of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;
 - 5.28.2.3** Within any 100 year floodplain or a larger area that the flood of record has inundated;
 - 5.28.2.4** Within any wetland area;
 - 5.28.2.5** Over any active or inactive oil or gas wells or storage areas;
 - 5.28.2.6** Over any formations of carbonate bedrock;
 - 5.28.2.7** Within 2 aerial miles of any National Landmark or historic site as listed on the National Register of Historic Places;

- 5.28.2.8 Within any Agricultural Security Area;
- 5.28.2.9 In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;
- 5.28.2.10 Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;
- 5.28.2.11 Within 2 miles of any designated Aquifer Protection Area or Well-head Protection Area; or
- 5.28.2.12 Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

5.28.3 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;

- 5.28.3.1 Hydrologic analysis and information;
- 5.28.3.2 Information concerning geologic conditions;
- 5.28.3.3 USDA - NRCS soils classification information;
- 5.28.3.4 Information on mineral bearing areas;
- 5.28.3.5 Land use analysis;
- 5.28.3.6 Information regarding transportation impacts;
- 5.28.3.7 Information regarding emergency and safety services;
- 5.28.3.8 Economic impact analysis; and
- 5.28.3.9 Air quality impact analysis.

5.28.4 Application Requirements

The Applicant shall submit the following information pertaining to the site or project:

- 5.28.4.1 A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;

- 5.28.4.2** A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 5.28.4.3** A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 5.28.4.4** A statement of qualifications to operate a waste disposal facility;
- 5.28.4.5** A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
- Facility construction and maintenance procedures;
 - Operating procedures and practices, the design of the facility and its associated activities;
 - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
 - The services to be offered by the applicant to the community;
 - The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
 - Provisions for controlling odors and noise associated with this use;
 - Provisions for renegotiations of any term, condition or provision of the siting agreement;
 - Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;
 - Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;
 - Provision for direct monetary payments to the Township and special services to be provided for demonstrated adverse impacts;
 - Provision to assure the health, safety, comfort, convenience and social and economic security of the township;

-Provision to assure the protection of environmental and natural resources;

-Provisions to compensate the borough, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes.

5.29 Wind Energy Facility

5.29.1 Purpose

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

5.29.2 Applicability

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

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

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

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

5.29.3 Permit Application

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

5.29.3.2 Among other things, the application shall contain the following:

- 5.29.3.2.1** A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- 5.29.3.2.2** An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
- 5.29.3.2.3** Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
- 5.29.3.2.4** A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- 5.29.3.2.5** Documents related to decommissioning including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section 5.1.16.
- 5.29.3.2.6** Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.

- 5.29.3.3 Within (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
- 5.29.3.4 Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
- 5.29.3.5 Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will make a decision whether to issue or deny the permit application.
- 5.29.3.6 Throughout the permit process, the Applicant shall promptly notify Township of any changes to the information contained in the permit application.
- 5.29.3.7 Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

5.29.4 Design and Installation

5.29.4.1 Design Safety Certification

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

5.29.4.2 Uniform Construction Code

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

5.29.4.3 Controls and Brakes

All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed

controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

5.29.4.4 Electrical Components

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

5.29.4.5 Visual Appearance; Power Lines

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

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

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

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

5.29.4.6 Warnings

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

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

5.29.4.7 Climb Prevention/Locks

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

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

5.29.5 Setbacks

5.29.5.1 Occupied Buildings

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

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

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

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

5.29.6 Alteration of Setbacks

5.29.6.1 Property owners may alter the setback requirements in Section 5.29.1.2 (Occupied Buildings on Non-participating Landowner's property) and section 5.29.5.2 (Property Lines) by signing a document that sets forth the applicable setback provision(s) and the proposed changes.

5.29.6.2 The written document shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is

granted for the Wind Energy Facility to not be setback as required by this Ordinance.

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

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

5.29.7 Use of Public Roads

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

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

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

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

5.29.7.5 The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads in the form of a performance bond.

5.29.8 Local Emergency Services

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

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

5.29.9 Noise and Shadow Flicker

5.29.9.1.1 Audible sound from a Wind Energy Facility shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating 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*.

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

5.29.10 Waiver of Noise and Shadow Flicker Provisions

5.29.10.1.1 Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights which shall be recorded at the Lycoming County Recorder of Deeds Office and a copy of the receipt for recording provided to the Zoning Officer.

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

5.29.10.1.3 Any such waiver shall be recorded in the Lycoming County Recorder of Deeds Office. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

5.29.11 Signal Interference

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

5.29.12 Liability Insurance

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

5.29.13 Public Inquiries and Complaints

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

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

5.29.14 Remedies

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

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

ARTICLE 6

Supplemental Lot Regulations

6.1. Access To Structures

- 6.1.1. Every dwelling or commercial structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved under the applicable Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 6.1.2. Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.
- 6.1.3. Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons and comply with the current editions of ADA standards and the PA Uniform Construction Code PA Act 45 of 1999.

6.2. Accessory Uses and Structures – Zoning Permit Required

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

- 6.2.1. **Fences or walls** - not exceeding six (6) feet may be constructed in required yards provided that:
 - 6.2.1.1. The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 6.8).
 - 6.2.1.2. Fences and walls, except those designated for agricultural purposes, shall be setback a minimum of two (2) feet from any lot line to facilitate their maintenance. Fences can be located on the property line or at a distance of less than two (2) feet if the written permission of the neighbor is furnished to the Zoning Officer. The finished side of a fence shall face to the lot exterior.
 - 6.2.1.3. See Section 5.16.1 for fence regulations that apply to a Junk Yard or Salvage Yard.

6.2.2. Accessory Storage or Utility Buildings and Detached Garages:

Storage, utility buildings or other accessory structures may be maintained accessory to the dwelling and shall comply with applicable lot standards of Section 4.5. An accessory structure shall not be located in the front yard of the principal building for any lot two (2) acres or less in size. All accessory buildings shall be a minimum of ten (10) feet from any existing structure.

6.2.3. Pump Island Canopies - where used to protect pump islands at gas stations or convenience marts shall be permitted in any yard provided that a 10 ft. minimum building setback line is maintained and the height of the canopy shall not exceed 24 ft.

6.2.4. Accessory Apartment

An accessory apartment may be constructed for a direct family member (related by blood, marriage or adoption) within an existing single-family dwelling pursuant to the following standards.

- 6.2.4.1.** No more than one (1) accessory apartment shall be permitted in the single family dwelling.
- 6.2.4.2.** The habitable floor area of the accessory apartment shall be a minimum of 400 ft² and a maximum of 800 ft², except that the area of the accessory unit shall not exceed 25% of the habitable floor area of the original dwelling.
- 6.2.4.3.** The architectural treatment of the structure shall be such as to portray the character of the single-family detached dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be at the side or in the rear.
- 6.2.4.4.** Sewage facilities shall be capable of treating the volume of effluent anticipated from both the accessory apartment and the existing dwelling. A certification or permit from the municipal Sewage Enforcement Officer shall be required in the event of an increase in the total number of bedrooms in the structure.
- 6.2.4.5.** One off-street parking space shall be provided for the accessory apartment in addition to the number required for the existing dwelling (see Section 6.10).

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

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

- 6.3.1.** Fences designated for agricultural purposes may be located on the property line.
- 6.3.2.** A single storage building or other accessory structure not exceeding one hundred sixty (160 ft²) in size, including swing sets, play gyms, playhouses, and tree houses shall be exempt from a zoning permit provided they comply with all Section 4.6 requirements for Accessory Structures.
- 6.3.3. Temporary Roadside Stand:** A single temporary roadside stand not exceeding thirty-two (32 ft²) in size used for the seasonal sale of produce may be located in the front yard for a period not exceeding 60 days.
- 6.3.4. Swimming Pools - Definition:** Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep or more than 5,000 gallons. This includes in-ground, above and on-ground pools, temporary and storable pools; hot tubs, spas and fixed in place wading pools.
 - 6.3.4.1.** Location: Swimming pool shall comply with the minimum yards for Accessory Structures in Section 4.6.
 - 6.3.4.2.** Enclosure, Access and Electrical Considerations: Swimming pool installations including required fencing and access gates shall be governed by Pennsylvania Uniform Construction Code.
 - 6.3.4.3.** All pools shall comply with the Pennsylvania Uniform Construction Code access and enclosure requirements if over 24 inches (610 mm) deep or more than 5,000 gallons.
- 6.3.5.** Landscape plantings shall require a minimum yard setback of five (5) feet and shall not impede the vision of motor vehicle operators and intersecting streets and driveways (see Intersection Visibility regulations found in Section 6.8).
- 6.3.6.** Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.

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

6.3.8. Vehicle Hobby Shops - A Vehicle Hobby Shop may be considered as an Accessory Use which is run from the Owner's household garage. Such use involves the repair or restoration of either licensed or unlicensed or Junk Motor Vehicles as a hobby for the personal use or interest of the Owner, such as classic or antique automobiles or antique farm tractors or machinery, and not for money, payment, employment or compensation from others. A Vehicle Hobby Shop shall comply with Section 6.16 Storage of Junk and Certain Vehicles at all times.

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

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

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

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

6.3.9.3. Manure shall be collected and maintained in a sanitary manner so as to prevent offensive odors, fly breeding or a health hazard or disturbance to neighboring property. A written manure management plan including the disposal location shall be provided to the zoning officer.

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

- 6.3.9.5. Domesticated animals or pets are exempt from the regulations of this section.

6.3.10. Use of Recreational Vehicles on Private Lots with an Existing Residence

Recreational vehicles or travel trailers may be or maintained on a lot with an existing residence under the following conditions:

- 6.3.10.1. The number of units per lot in conjunction with an existing residence shall be limited to one (1) unit per residential lot.
- 6.3.10.2. The arrangement shall be uncompensated and not for residential use.
- 6.3.10.3. All vehicles shall have current vehicle registration, be properly maintained and fully operational at all times and be transportable and not permanently affixed to the land.
- 6.3.10.4. All recreational vehicles shall be provided with adequate sanitary sewage facilities and water supply subject to the applicable rules and regulations of the Pennsylvania Department of Environmental Protection (DEP). When a structure or vehicle is to be placed on a lot for a period of time exceeding fourteen (14) consecutive days, a sub-surface sewage disposal system or other DEP approved system must be provided. When a unit is to be placed for less than fourteen (14) consecutive days, a self-contained holding tank with permission to periodically dump at a DEP approved dumping station may be considered sufficient.
- 6.3.10.5. All recreational vehicles shall also comply with Section 5.07 of the Township Floodplain Management Ordinance found in Article 9 of this Ordinance.
- 6.3.10.6. The recreation vehicle owner shall be responsible for removal of the unit from the floodplain in the event of a high water condition.

6.3.11. Storage of Recreational Vehicles, Campers and Boats

- 6.3.11.1. Unless otherwise regulated by other Sections of this Chapter, the storage or parking of recreational vehicles, campers, boats shall not require a zoning permit but shall be subject to the following requirements:
- 6.3.11.2. All recreational vehicles, campers, boats, and similar units that are in a state of major disassembly, disrepair, or in the process of being stripped or dismantled for any reason shall be stored within an

enclosed structure. No parts of such vehicle(s) shall be stored or otherwise maintained outside of a structure.

- 6.3.11.3.** Such storage shall be located on the lot occupied by the owner of the vehicle or unit or on a lot immediately adjacent to the owner's lot.
- 6.3.11.4.** On street parking of such vehicles or units is prohibited.
- 6.3.11.5.** Such storage may only be permitted in side and rear yard areas and shall meet all applicable setback requirements.
- 6.3.11.6.** Such storage shall only be permitted in side and rear yard areas and shall meet all applicable setback requirements.

6.3.12. Storage Containers

A storage container accessory or incidental to a principal use, shall not require a zoning permit but shall be subject to the following requirements:

- 6.3.12.1.** A temporary storage container shall be limited to 90 days on the premises in any 6-month period of time.
- 6.3.12.2.** No more than one storage container shall be permitted to be located on a site at one time, regardless of the number of uses on the site.
- 6.3.12.3.** Permitted containers may be situated in a driveway, but shall otherwise meet the applicable setback requirements for the district in which they are located. Containers are prohibited from being located on the streets.
- 6.3.12.4.** Container shall not be utilized as a dwelling, nor shall any commercial use be operated or conducted from the container.

6.3.13. Storage Trailer

For the purposes of this Ordinance, Trailer Storage shall be defined as that part of a tractor trailer truck which is transported by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used for temporary storage of excess inventory that is accessory or incidental to the principal use. Trailer storage units shall require a zoning permit and shall be subject to the following requirements:

- 6.3.13.1.** Trailer storage shall be permitted as a temporary accessory use in the Open Space Conservation (OSC) District and in conjunction with a highway, utility or commercial building construction project.

Trailer storage shall be limited to 6 months on the premises in any one year period of time. The zoning permit may be renewed one time by the Zoning Officer if, in his opinion, an extension is warranted or a refusal would cause undue hardship for the applicant.

6.3.13.2. There shall be no more than three temporary trailer storage units on a site at one time, regardless of the number of commercial or industrial operations occurring on the lot.

6.3.13.3. Trailer storage units shall meet all applicable setback requirements for the district in which they are located, and shall be situated on the site to be as inconspicuous as possible.

6.4. Conversion or Replacement of Buildings

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

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

6.4.3. A mobile home which is no longer suitable for residential purposes shall not be converted to an accessory structure.

6.5. Design Standards for Driveways and Access Drives To Streets

Driveway design standards are found in the Cummings Township Driveway Ordinance.

6.6. Exceptions to Height Regulations

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

not apply to any Communications Antennae and Communication Tower (see Section 5.10).

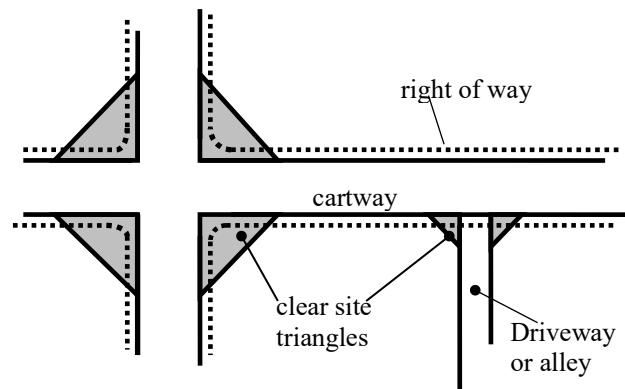
6.7. Hazardous Materials and Substances

Hazardous Materials handled or stored in floodplain locations shall comply with the Cummings Township Floodplain Ordinance.

The Township may require evidence of DEP permits or approved plans for any use or activity which involves the production, processing, utilization or storage of greater than 550 gallons (or comparable volume) of hazardous materials or substances such as: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, magnesium, nitric acid, nitrogen oxides, petroleum products (gasoline, fuel oil, etc.) phosphorous, potassium, sodium, sulfur and sulfur products, pesticides, herbicides, fungicides or similar elements, chemicals or agents (including any amount of radioactive substances) which when released into the natural environment may be detrimental to the health, safety and welfare of residents of the Township.

6.8. Intersection Visibility

6.8.1. Specified areas along intersection approach legs and across their included corners should be clear of obstructions that might block a driver's view of potentially conflicting vehicles. These specified areas are known as clear sight triangles. The dimensions of the legs of the sight triangles depend on the design speeds of the intersecting roadways and the type of traffic control used at the intersection. A "clear sight triangle" as defined by the current PENNDOT regulations must be kept free of obstructions. No obstructions higher than thirty (30) inches or lower than eight (8) feet shall be placed within the clear sight triangle.



Location of Clear Sight Triangles

6.9. Nonconforming Lots, Structures, Buildings, and Uses

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even through it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

6.9.1. Non-conforming Lots, Uses, and Structures

6.9.1.1. Nonconforming Lots

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including building lines and setbacks shall apply.

6.9.1.2. Nonconforming Uses

A use legally existing at the time of adoption of this Ordinance which becomes a non-conforming use in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became nonconforming. The use shall not be permitted to change to any use that is different from the nonconforming use and not in compliance with the use regulations for the district where the use is located.

6.9.1.3. Nonconforming Structures

A structure legally existing at the time of adoption of this Ordinance which becomes a non-conforming structure in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the structure shall only be modified minimally in accordance with the provisions of this Ordinance. The structure shall not be permitted to change in such a fashion as to make the nonconforming structure a greater non-conformity so as to adversely affect the character of the neighborhood or district in which it is located.

6.9.2. Abandonment

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. In the event of destruction or total casualty loss to a nonconforming building or structure, a one (1) year extension may be granted by the Zoning Officer provided that the owner shall, prior to the expiration of the initial one (1) year period provided for in the forgoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

6.9.3. Repairs and Reconstruction

6.9.3.1. Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

6.9.3.2. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

1. The reconstruction starts within one (1) year of the damage;
2. The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
3. The location of the reconstruction does not create a safety hazard;
4. The reconstruction of a nonconformity located in the 100 year floodplain shall comply with the section dealing with Existing Structures in the Cummings Township Floodplain Ordinance.

6.9.4. Extension or Enlargement

6.9.4.1. A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension

however, a Zoning Permit shall be obtained from the Zoning Officer.

6.9.4.2. Structural alterations proposed to extend a nonconforming structure may be authorized as follows:

1. By the Zoning Officer, provided that:
 - (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and
 - (b) The proposed extension or enlargement of the nonconforming use shall not exceed 50 percent of the gross floor area of the structure or use, with such gross floor area to be measured at such time that the use became nonconforming.
2. By the Zoning Hearing Board upon application for a variance, provided that:
 - (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and
 - (b) The proposed extension or enlargement of the nonconformity which exceeds 50 percent of the gross floor area of the structure or use is approved by a variance issued by the Zoning Hearing Board.

6.9.4.3. For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), expansion is limited to 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance may be authorized by the Zoning Hearing Board.

6.9.4.4. A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

6.9.4.5. Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

6.9.5. Change of Use

- 6.9.5.1. Any non-conforming use may be changed to another non-conforming use by Conditional Use provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.
- 6.9.5.2. A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

6.9.6. Registration of Non-conforming Uses, Structures and Lots

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

6.9.7. Certificate of Nonconformance

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before the date of adoption of this Ordinance *or prior ordinance*, the Zoning Officer shall issue a certificate of nonconformance for said nonconformity. Any applicant aggrieved of the process for obtaining such certificate or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

6.10. Off-Street Parking and Loading

Off-street parking shall be provided in accord with the requirements of this section at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

6.10.1. Development and Maintenance of Parking Facilities

Whenever off-street parking is required in conjunction with a new use, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

- 6.10.1.1. Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent or nearby lot owned or controlled by the applicant. The use of off-premise facilities or shared parking arrangements shall be approved by the Board of Supervisors. A

written agreement between the parties shall be required that is suitable for recording at the Lycoming County Recorder of Deeds Office with a copy of the receipt for recording provided to the Zoning Officer.

- 6.10.1.2.** Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so there will be no need for motorists to back over public walkways or right-of-ways, except that single family and double dwellings need not comply with this requirement.
- 6.10.1.3.** Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet, except that single family and double dwellings need not comply with this requirement. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any intersection (see Section 6.8).
- 6.10.1.4.** Service drives and entrance and exit lanes shall be constructed of a stabilized base (e.g. 4" of 2A subbase) with a suitable all weather surface, be graded for proper drainage, and maintained in good repair.
- 6.10.1.5.** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'). Parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21').
- 6.10.1.6.** Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a residential use. Such screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in Section 6.14 of this Ordinance.
- 6.10.1.7.** In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended.
- 6.10.1.8.** Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways. Lighting shall not be required for agriculture uses, single

and duplex dwellings, for parking lots less than 5 spaces in size, or for other uses that do not have night-time hours. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan in accordance with Article 7, Exterior Lighting Standards, shall be submitted to the Zoning Administrator in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

6.10.2. Number of Off-Street Parking Spaces Required

In all districts the required number of off-street parking spaces shall be provided as set forth in the following table. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

SCHEDULE FOR OFF-STREET PARKING SPACES

TYPE OF USE	REQUIRED SPACES - MINIMUM
Residential Uses	
Single-Family, Two-Family, Townhouse	2 per dwelling unit
Multiple Family Dwelling	2 per dwelling unit; 1 for each dwelling unit for elderly housing
Mobile Home Parks	2 for mobile home lot
Institutional Uses	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift
Child Care Center, Group Child Care Home	1 for each 5 students/clients + 1 for each employee
Family Child Care Home	2 for dwelling unit + 2 customer spaces

Group Home	1 for each 2 residents + 1 for each employee on the maximum work shift
Nursing Home or Retirement Home	1 for each 2 beds + 1 for each employee on the maximum work shift
Elementary Schools	5 for each classroom + 1 for each employee
Middle or High School, Post Secondary Facility	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
Churches, Social Halls, and similar places of public or private assembly; government, municipal or community buildings	1 for each 3 seats of total facility capacity
Libraries, museums or other cultural facilities; fire or police stations	1 for each 200 sq. ft. of gross floor area
Hospitals or health care facilities	1 for each 2 beds + 1 for each employee in the maximum work shift
Commercial/Retail Uses	
Retail stores or service or repair business, including agricultural business and shopping centers	1 for each 400 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant	1 for each 2.5 seats of total facility capacity + 1 for each employee in the maximum work shift
Animal Hospital or kennel	1 for each 300 sq. ft. of gross floor area + 1 for each employee on the maximum work shift
Automotive, truck or motorcycle sales or repair	1 for each employee + 2 for each service bay + 1 for each 300 ft ² of interior sales & display area only and 1 for each 7,000 ft ² of outdoor display area.
Business or professional office & financial institutions	1 for each 250 sq. ft. of gross floor area + 1 for each employee
Medical, dental or veterinary office	5 for each doctor + 1 for each employee
Home Occupation, Home Based Business	2 for dwelling unit + 2 customer spaces

Bed & Breakfast	1 for each guest room + 2 for dwelling unit
Motel or other similar lodging establishment	1 for each guest room + 1 for each employee on the maximum work shift
Funeral Home	1 for each 50 sq. ft. of assembly area + 1 for each employee with a minimum of 20 spaces
Clubs, fraternal organizations or similar use	1 for each 150 sq. ft. of gross floor area
Industrial Uses	
Manufacturing, warehousing, industrial surface mining operation, waste storage or processing facility	1 for each employee in the maximum work shift
Distribution Center	1 for each 500 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Lumber Yard, saw mill, junk yard salvage yard, contractor shop or yard	1 for each employee + 6 customer spaces
Recreational Use	
Parks & Playgrounds	1 for each 5 persons of total facility capacity
Commercial or Institutional Recreational Developments	1 for each 3 persons of total facility capacity + 1 for each 2 employees
Campgrounds or RV parks	2 for each camping space + 1 additional space for every 5 camping spaces.

6.10.3. Handicapped Parking

The parking lot design shall provide handicapped accessible parking spaces and sidewalks in accord with current ADA or IBC standards.

6.10.4. Off-Street Loading

- 6.10.4.1.** Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as

set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Gross Floor Area	Minimum Number of Berths
0 – 25,000 sq. ft.	1
25,001 sq. ft. or greater.	2

6.10.4.2. The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet except where semi-trailers are expected to be used and then the minimum area shall be seven hundred (700) square feet.

6.10.4.3. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.

6.11. Projections Into Required Yards

The following projections shall be permitted to extend into the minimum yard requirements specified in Section 4.6 and shall not be considered in the determination of yard size or lot coverage:

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

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

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

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

6.12. Public Utilities Exempt

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

6.13. Private Riding Stable

- 6.13.1.** The maximum number of horses for any residential lot of two acres or less and where residential is the principle use shall be two (2) horses.
- 6.13.2.** The fenced area and structure for the housing of horses shall be at least 50 ft. away from any habitable structure on adjoining property.
- 6.13.3.** Manure shall be collected and maintained in a sanitary manner so as to prevent offensive odors, fly breeding or a health hazard or disturbance to neighboring property. A written manure management plan including the disposal location shall be provided to the zoning officer.

6.14. Screening and Landscaping

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

6.14.1. Screening

- 6.14.1.1.** Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth.
- 6.14.1.2.** Screen planting shall be maintained permanently by the lot owner, and any plant material which did not survive shall be replaced within one (1) year.

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

6.14.2. Substitution of a Landscaping Plan for Screening

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

6.15. Small Wind Energy System

6.15.1. Definition – See Article 2.

6.15.2. Controls

- 6.15.2.1. Lot size shall not be less than one (1) acre inclusive of the permitted principal use.
- 6.15.2.2. The tower height inclusive of blade tip shall not exceed one-hundred-twenty (120) feet measured from the ground level below the base of the tower.
- 6.15.2.3. Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from locating in the front yard.
- 6.15.2.4. Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.
- 6.15.2.5. The small wind energy system is to operate on the same lot to serve the principal use.

6.15.3. Decommissioning

Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section 5.1.16.

6.16. Storage of Junk and Certain Vehicles

6.16.1. Storage of Junk as an Accessory Use In All Districts

The outdoor storage of any junk as an accessory use including automotive vehicles or trailers of any kind (except operable farm trailers) without current license plates or inspection, or other inoperative machinery (including farm machinery) shall be:

- 6.16.1.1.** Screened from view from any street right-of-way or property line using vegetative screening (see Section 16.16), fencing or topographic or natural features of the lot. The screening proposed shall be evaluated by the Zoning Officer to determine its effectiveness and shall be maintained in good order and appearance.
- 6.16.1.2.** Limited to the occupancy of no more than 1,000 sq. ft. of lot area.
- 6.16.1.3.** A single unlicensed motor vehicle may be stored on a lot and shall be exempt from the requirements of Sections 6.16.1.1 and 6.16.1.2 above.

6.16.2. Junkyard/Salvage Yard

See the Conditional Use criteria for this use in Section 5.16.

6.17. Unique Lots and Building Locations

6.17.1. Two Single Family Dwellings on a Single Lot – Minor Land Development

The addition of a second single family dwelling to a parcel in single ownership shall conform to all the requirements of this Ordinance that would normally apply to each building if each were on a separate lot. A Minor Land Development plan will be required in order to place an additional single family dwelling on a single parcel (see the applicable Subdivision and Land Development Ordinance).

6.17.2. Side Yard of a Corner Lot

The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

6.18. Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every building or structure hereafter, altered or moved upon any premises, or used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with safe and sanitary means of

collection and treatment or disposal of sewage. Such facilities shall conform to minimum requirements set forth by the Pennsylvania Department of Environmental Protection, and any other applicable federal, state or local laws or regulations.

6.19. Yard and Garage Sales

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

- 6.19.1.** No more than 3 yard sales shall be conducted per year by a resident from the same lot; and
- 6.19.2.** The duration of one (1) yard sale shall not exceed 3 consecutive days.
- 6.19.3.** Should a resident desire to conduct yard sales in excess of the frequency or duration stated above, a Conditional Use shall be required using the Home Occupation regulations of Article 5 as the review criteria.

ARTICLE 7

Exterior Lighting Standards

- 7.1 Purpose** – These standards are established for the following purposes:
- 7.1.1** To regulate exterior lighting in order to avoid conditions that threaten the use and enjoyment of surrounding property as a result of the lighting that was installed.
 - 7.1.2** To implement the light and energy conservation policies of the Comprehensive Plan.
 - 7.1.3** To discourage excessive lighting.
 - 7.1.4** To regulate the type of light fixtures, lamps and standards.
 - 7.1.5** To protect residential zones from the ill affects associated with nonresidential and multi-family exterior lighting.
 - 7.1.6** To create a safe environment during hours of darkness.
 - 7.1.7** To avoid excessive lighting in order to protect the Township’s natural resource of a dark night sky.
- 7.2 Applicability.**
- 7.2.1** When an exterior lighting installation is part of a new land development proposal or a Conditional Use application, the Township shall review and approve the lighting design as part of the permitting process.
 - 7.2.2** **The regulations of this article shall not apply to agriculture, agricultural operations, single family or duplex dwelling uses.**
 - 7.2.3** These regulations do not apply to Public Right-of-Way and shall not conflict with PennDOT or Township Street Light standards and design criteria.
 - 7.2.4** These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.
 - 7.2.5** The regulation of sign lighting is governed by Section 8.2.8 of this Ordinance.

7.3 General Requirements.

- 7.3.1** Site lighting trespass onto adjacent residential lots shall be minimized.
- 7.3.2** Site lighting shall minimize light spill into the dark night sky and shall be rated by the manufacturer as dark sky compliant.
- 7.3.3** Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
- 7.3.4** Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- 7.3.5** Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.
- 7.3.6** Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.
- 7.3.7** The applicant shall submit to the Township sufficient information, in the form of an overall exterior lighting plan, to enable a determination that the applicable provisions will be satisfied. The exterior lighting plan shall include at least the following:
 - 7.3.7.1** Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures.
 - 7.3.7.2** The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
 - 7.3.7.3** If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.
 - 7.3.7.4** If needed to review proposed exterior lighting installations, the Township may request additional information following the initial lighting plan submittal, such as:
 - (1)** A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.

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

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

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

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

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

7.4.1.3 Where feasible, additional landscaping or buffers may be required in accord with Section 6.14 to provide light screening between commercial uses and residential uses to help prevent light trespass. Where landscaping is used for light screening, the Township shall take into consideration the applicable landscaping standards found elsewhere in these regulations, the design standards found elsewhere in these regulations, the creation of excessive shadows or dark spaces, and views into and out of a site.

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

7.5 Open-Air Parking Lot Lighting.

- 7.5.1** Open-air parking lots shall comply with the standards of this section in addition to the other requirements of this article.
- 7.5.2** Open-air parking lot lighting shall be designed to provide adequate vision, comfort and safety.
- 7.5.3** Open-air parking lot lighting shall be designed to provide for uniform lighting throughout the facility with no dark patches or pockets.
- 7.5.4** Open-air parking lot lighting shall be designed to provide a minimum value of lighting necessary for the safety and identification of features.
- 7.5.5** Open-air parking lot lighting shall not cause direct illumination on adjacent and nearby properties or streets. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles.
- 7.5.6** In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures serving open-air parking lots, except as allowed in Section 7.5.7, shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
- 7.5.7** The Zoning Officer may allow at his discretion an exception to full cut-off fixtures in order to achieve a particular “period” or architectural style of lighting that is mutually beneficial to the applicant and the Township provided that:
 - 7.5.7.1** Mounting heights of such alternative fixtures shall not exceed 15 feet above grade or pavement.
 - 7.5.7.2** Reasonable measures shall be applied to minimize light trespass and light spill into the dark night sky.
- 7.5.8** The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.
 - 7.5.8.1** The maximum permissible mounting height of open-air parking lot lighting fixtures within 50 feet of a residential use or zone shall be 15 feet.
 - 7.5.8.2** The maximum permissible mounting height of open-air parking lot lighting fixtures, not listed in Section 7.5.8.1 above, shall be 40 feet

and shall be setback from the property line a distance equal to height of the light.

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

	Standard
Minimum Footcandles on Pavement ²	0.2 fc
Maximum Footcandles on Pavement	4.0 fc
Maximum Footcandles at Property Line	0 fc
Uniformity Ratio Maximum:Minimum ³	20:1
Minimum Footcandles at five (5) feet Above Pavement ⁴	0.1 fc

Notes:

fc = footcandle (*a unit of illumination*)

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

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

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

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

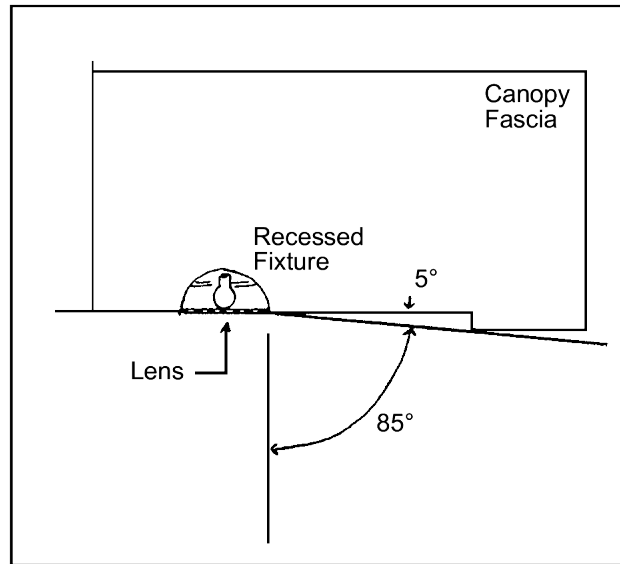
7.6 Canopy Lighting and Lighting of Service Stations.

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

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

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

Recessed Fixture



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

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

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

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

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

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

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

7.8 Architectural Accent Lighting.

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

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

7.8.3 The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed three footcandles.

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

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

7.9 Lighting of Landscaping.

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

7.10 Temporary Lighting.

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

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

Article 8

Sign Regulations

8.1 Sign Policies

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

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

8.2 General Regulations

8.2.1 Conformance with Ordinances. Any sign hereafter erected or maintained shall conform to the provisions of this Ordinance and the provisions of the Municipal Building Code and any other ordinance or regulations of the municipality.

8.2.2 No more than one (1) sign is allowed per lot for a single use and provided that the sign shall not exceed thirty-two (32) square feet in area.

8.2.3 In the event of two or more business services on a single lot two signs not exceeding thirty-two (32) square feet each may be shared by the businesses as determined by the lot owner.

8.2.4 Right-of-Way Restrictions. No sign other than an official traffic sign or similar sign shall be erected within nor overhang the right-of-way of any road unless specifically authorized by other ordinances or regulations of the municipality.

8.2.5 Limits on Projecting Signs. Projecting, under canopy, and fascia signs may project over public sidewalks or walkways and shall have a minimum ground clearance of 10 ft. Projecting signs shall not exceed nine (9) square feet in area.

8.2.6 Clear View. 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 whereby reason of position, shape or color, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device.

- 8.2.7 Changeable Copy Signs.** Electrical Message Board and manual changeable copy back lit signs may be permitted only in the Village District. Electronic Message Boards shall have a minimum message interval of 7 seconds between the start of displays in series.
- 8.2.8 Lighting.** Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property. Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed.
- 8.2.9 Sign Maintenance.** Every sign permitted by this Ordinance must be constructed of durable materials and kept in good condition and repair.
- 8.2.10** When any sign becomes insecure, in danger of falling or is otherwise unsafe or if any sign is unlawfully installed in violation of this Ordinance, it shall be removed upon written notice by the Zoning Officer, immediately in the case of imminent danger, and in any case not more than thirty (30) days from the date of the written notice.
- 8.2.11** If the sign notice is not complied with, the Zoning Officer may remove or cause to be removed such sign at the expense of the owner or lessee.

8.3 Compliance With Building and Electrical Codes

All signs shall be constructed in accordance with the requirements of the Pennsylvania Uniform Construction Codes.

8.4 Permits

- 8.4.1 Compliance.** Unless specifically exempted (see Sections 8.7), a permit must be obtained from the Township for the erection and maintenance of all signs erected or maintained in the Township. 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 Ordinance.
- 8.4.2 Plans Required.** Before any permit is granted for the erection of a sign or sign structure, plans and specifications shall be filed with the Township showing the dimensions, materials, and required details of construction including loads, stresses, anchorage and any other pertinent engineering data. In the case of an off-premises sign the application for a permit shall be accompanied by the written consent of

the owner or lessee of the premises upon which the sign is to be erected.

8.4.3 Permit Required. No new sign shall hereafter be erected, constructed, altered or maintained except as herein provided and until after a permit has been issued by the Zoning Officer.

8.4.4 Sign Alteration. No sign shall be enlarged or relocated except in conformity to the provisions of this Article for new signs, nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of this Article are not violated.

8.4.5 Fees. Permit fees to erect, alter or modernize a sign shall be in accordance with the fee schedule adopted by the Township.

8.5 Ownership and Removal of Signs

8.5.1 The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Zoning Officer, as in the case of a leased sign or a ground lease for an off-premise sign.

8.5.2 For purposes of removal, the definition of a sign shall include all sign embellishments and structures designed specifically to support the sign.

8.6 Abandonment

All signs and/or sign messages shall be removed by the owner or lessee from the premises upon which the on-premise sign is located when the use it advertises is no longer conducted. Such removal shall be completed within thirty (30) days of vacating the premises. If an abandoned sign has not been removed the Zoning Officer may cause the sign to be removed in accordance with Section 8.5 above.

8.7 Signs Not Requiring Permits

The provisions and regulations of this Ordinance shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of Section 8.8.

8.7.1 Real estate signs not exceeding thirty-two (32) square feet in area which advertise the sale, rental, or lease of the premises, upon which said signs are located.

8.7.2 Professional name plates not exceeding six (6) square feet in area.

- 8.7.3 Bulletin boards not over thirty-two (32) square feet in area for public, charitable, or religious institutions where the same are located on the premises of said institutions.
- 8.7.4 Signs denoting the architect, engineer, contractor, project sponsor or source of financing when placed upon work under construction, and not exceeding a cumulative total of thirty-two (32) square feet in area per site.
- 8.7.5 Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building, farm or dwelling house, and not exceeding six (6) square feet in area.
- 8.7.6 Memorial signs or tablets, names of building and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material.
- 8.7.7 Directional or informational signs of four (4) square feet or less.
- 8.7.8 Off-premises signs of four (4) square feet or less with the written consent of the land owner.
- 8.7.9 Holiday or special event signs or decorations and temporary business signs that are erected for a period not exceeding 60 days in duration.
- 8.7.10 Public signs or notices, or any sign relating to an emergency.
- 8.7.11 Window signs.
- 8.7.12 Religious, Governmental, Charitable or Fraternal Signs not exceeding four (4) square feet.
- 8.7.13 Political signs. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed seven (7) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner, and shall not exceed thirty-two (32) square feet in sign area. No deposit is required for political signs.

8.8 Signs Prohibited in All Districts

- 8.8.1 Signs that obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit.
- 8.8.2 Signs painted or mounted on rocks or other natural features. No signs other than nameplate/address signs less than four (4) square feet shall be affixed to trees or to yard or landscape rocks. "Posted" property signs may also be affixed to trees.

- 8.8.3** Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device; obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic; no signs that are lighted in such a way so as to cause glare or impair driver visibility.
- 8.8.4** Signs that resemble, imitate, or approximate the shape, size, form or color of traffic signs, signals, or devices.
- 8.8.5** Signs erected, relocated, or maintained in such a way that prevents free ingress or egress from any door, window, or fire escape; and attached to a standpipe or fire escape.
- 8.8.6** Animated, flashing (not applicable to Electronic Message Board signs), revolving and/or rotating signs.
- 8.8.7** Mobile signs not specified in Section 8.7 (Signs Not Requiring Permits), or which cannot conform to all requirements for permitted signs.

8.9 Signs Permitted In All Zoning Districts

The following signs are allowed in all zoning districts:

- 8.9.1** All signs not requiring permits (See Section 8.7).
- 8.9.2** One (1) construction sign for each street frontage of a construction project, not to exceed thirty-two (32) square feet in sign area in residential zones or sixty (60) square feet in sign areas in all other zones. Such signs may be erected fifteen (15) days prior to beginning of construction activity and shall be removed fifteen (15) days following completion of construction activity.
- 8.9.3** Two (2) non-illuminated real estate signs per lot or premises, not to exceed sixteen (16) square feet in sign area. Such signs must be removed fifteen (15) days following sale, rental or lease.
- 8.9.4** Two (2) temporary special events signs and decoration per premises as allowed by the Zoning Administrator for special events, grand openings, or holidays, subject to the following regulations:
 - 8.9.4.1** Such signs and decorations may be erected thirty (30) days prior to a special event or holiday and shall be removed seven (7) days following the event or holiday, unless authorized as a Special Exception by the Zoning Hearing Board for a longer period of time.

- 8.10 Highway Billboard Signs** - a sign with a fixed message or an electronic graphic display (see Section 2.2 for definition) stating the name of an advertised product or name(s), directions to a business and information concerning the business located off-premises (from the sign location). Requirements are as follows:
- 8.10.1** The maximum sign area for such a sign shall be thirty-two (32) square feet.
 - 8.10.2** For an electronic graphic display sign the minimum message interval shall be 7 seconds between the start of displays in series.
 - 8.10.3** Highway Billboard Signs shall be allowed only in the Conservation Open Space District.
 - 8.10.4** The minimum separation between Off Premises Advertising Signs shall be five hundred (500) feet.
 - 8.10.5** The top of such sign may not exceed a height of fifty (20) feet above the road grade adjacent to the sign.
 - 8.10.6** There must be no exposed connecting wires.
 - 8.10.7** Such signs shall not be located upon a public right-of-way.
 - 8.10.8** Compliance with Penn DOT regulations shall be secured when applicable.

8.11 Table of Allowed Sign Uses By Zoning Districts

SIGN TYPE	Further Information See Section	ZONING DISTRICT		
		<i>Conservation Open Space</i>	<i>Residential</i>	<i>Village</i>
*Address, Name Plate or Identification Signs	8.7.2	P	P	P
*Community Bulletin Board Sign	8.7.3	P	P	P
*Contractor or Construction Sign	8.7.4	P	P	P
Free Standing Sign	8.2	X	X	P
Highway Billboard Sign	8.11	P	X	X
Individual Letters or Symbols	8.2	X	X	P
*Memorial Signs	8.7.6	P	P	P
*Occupation Signs	8.7.5	P	P	P
*Off-Premises, Directional, & Information Sign	8.7.7	P	P	P
*Political Signs	8.7.12	P	P	P
Projecting Sign	8.2	X	X	P
*Public Signs	8.7.9	P	P	P
*Real Estate Signs	8.7.1	P	P	P
*Religious, Governmental, Charitable or Fraternal Sign	8.7.11	P	P	P
*Temporary Business Sign	8.7.8	P	P	P
*Temporary Sign for Holidays or Special Events	8.7.8	P	P	P
Wall Sign, Facia Sign	8.2	X	X	P
*Window Sign	8.7.10	P	P	P

***Signs Not Requiring Permits (see §8.7) P – Permitted Sign X – not permitted**

ARTICLE 9 – Floodplain Ordinance

TOWNSHIP OF CUMMINGS
ORDINANCE NO. _____

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF CUMMINGS WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

ARTICLE I. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Cummings does hereby order as follows.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 2.02 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Cummings unless a Permit has been obtained from the Floodplain Administrator.

Section 2.03 Abrogation and Greater Restrictions

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

Section 2.04 Severability

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

Section 2.05 Warning and Disclaimer of Liability

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

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

ARTICLE III. ADMINISTRATION

Section 3.01 Designation of the Floodplain Administrator

The Chairman of the Board of Supervisors is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Vice-Chairman of the Board of Supervisors.

Section 3.02 Permits Required

A Permit shall be required before any construction or development is undertaken within any area of the Township of Cummings.

Section 3.03 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.

- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

Section 3.04 Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Cummings. Such application shall contain the following:
 1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location including address.
 5. Listing of other permits required.
 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 4. structures will be anchored to prevent floatation, collapse, or lateral movement;
 5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used; and
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
 4. The following data and documentation:
 - a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

- c. documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See section 4.02 A) will not increase the base flood elevation at any point.
- d. AE Area/District without floodway (See Section 4.02 B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
- e. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- f. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 5.03 F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a base flood.
- g. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- h. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

Section 3.05 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 3.06 Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 3.07 Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 3.08 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

Section 3.09 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter

provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Township of Cummings, of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 3.10 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

Section 4.01 Identification

The identified floodplain area shall be:

- A. any areas of Township of Cummings, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated June 2, 2016 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
- B. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Cummings and declared to be a part of this ordinance.

Section 4.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - i. No permit shall be granted within any AE Zone without floodway, no

encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.

- ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

Section 4.03 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 5.01 (B) for situations where FEMA notification is required.

Section 4.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of Cummings and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 4.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE V. TECHNICAL PROVISIONS

Section 5.01 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When Township of Cummings proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
 3. Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

Section 5.02 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 4.02.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

- b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 4.02.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 1. Mechanical equipment such as sump pumps and generators,
 2. Flood shields and closures,
 3. Walls and wall penetrations, and
 4. Levees and berms (as applicable)
 - b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:

1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
 3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
6. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2)

separate walls

- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 200 square feet.
3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Article VIII. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

Section 5.03 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement
2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

Section 5.04 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine

- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 5.04 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 5.01, 5.02 and 5.03.

C. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 5.04 (A) above, shall be built in accordance with Sections 5.01, 5.02 and 5.03 including:

1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 5.05 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 5.06 Special Requirements for Manufactured Homes

- A. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation;
 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
 3. and anchored to resist flotation, collapse, or lateral movement.
- B. Equipment requirement:
1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral improvement.
 2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

Section 5.07 Special Requirements for Recreational Vehicles

- A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
1. be on the site for fewer than 180 consecutive days, and
 2. be fully licensed and ready for highway use,
- or
3. meet the permit requirements for manufactured homes in Section 5.06.

ARTICLE VI. ACTIVITIES REQUIRING SPECIAL PERMITS

Section 6.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Township of Cummings:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. Nursing homes
 - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 6.02 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - 1. north arrow, scale and date;
 - 2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - 3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - 5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 7. the location of all proposed buildings, structures, utilities, and any other improvements; and
 8. any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 4. detailed information concerning any proposed floodproofing measures, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan;
 5. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
 3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning

the effects such pollution may have on human life;

4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

Section 6.03 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township of Cummings the following procedures shall apply in addition to those of Article III:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of Cummings Planning Commission and Township of Cummings engineer for review and comment.
- B. If an application is received that is incomplete, the Township of Cummings shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township of Cummings decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of Cummings approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

- E. Before issuing the Special Permit, the Township of Cummings shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of Cummings.
- F. If the Township of Cummings does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of Cummings and the applicant, in writing, of the reasons for the disapproval, and the Township of Cummings shall not issue the Special Permit.

Section 6.04 Special Technical Requirements

- A. In addition to the requirements of Article V of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article V of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
 - 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township of Cummings and the Department of Community and Economic Development.

ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 7.02 shall apply.

Section 7.02 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District (See Section 4.02 A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office
- F. Within any AE Area/District without Floodway (See Section 4.02 B), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

ARTICLE VIII VARIANCES

Section 8.01 General

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

Section 8.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of Cummings Zoning Hearing Board

in accordance with the procedures contained in Section 3.10 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article VI) or to Development Which May Endanger Human Life (Section 5.04).
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the Township of Cummings Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- G. Whenever a variance is granted, the Township of Cummings Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- H. In reviewing any request for a variance, the Township of Cummings Zoning Hearing Board shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

- I. A complete record of all variance requests and related actions shall be maintained by the Township of Cummings. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. DEFINITIONS

Section 9.01 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

Section 9.02 Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
8. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
9. Existing manufactured home park or subdivision – a manufactured home park or

subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

10. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. Flood - a temporary inundation of normally dry land areas.
12. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
14. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
15. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
16. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic structures – any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
- 19. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.
- 20. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- 21. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- 22. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 23. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after September 17, 1980 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- 24. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- 25. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever,

which is recognized by law as the subject of rights and duties.

26. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated September 17, 1980, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
27. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated September 17, 1980, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
28. Recreational vehicle - a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light-duty truck,
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.
30. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
31. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
32. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor

does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

33. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
34. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
35. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
36. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
37. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
38. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
39. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance

required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE X. ENACTMENT

Section 10.01 Adoption

This Ordinance shall be effective on _____ and shall remain in force until modified, amended or rescinded by Township of Cummings, Lycoming County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Supervisors this ____ day of _____,

_____.

ATTEST:

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF CUMMINGS

Township of Cummings Secretary

By: _____
Board of Supervisors Chairman

Article 10-12 Reserved for Future Use

ARTICLE 13

Zoning Hearing Board Proceedings

13.1 Organization and Procedure

13.1.1 Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for Cummings Township.

13.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of Cummings Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township's intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

13.1.3 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment or as otherwise provided for by law.

13.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

13.2.1 To Hear and Decide Requests for Special Exceptions

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria of the Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance.

13.2.2 To Hear and Decide Appeals

13.2.2.1 The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.

13.2.2.2 The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.

13.2.2.3 The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

13.2.2.4 The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer regarding any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary.

13.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance

13.2.3.1 The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.

13.2.3.2 The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall

be raised by an appeal taken within 30 days after the effective date of said ordinance.

13.2.4 To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and a public hearing (see definitions in Section 2.2).

The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- 13.2.4.1** that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- 13.2.4.2** that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 13.2.4.3** that such unnecessary hardship has not been created by the applicant;
- 13.2.4.4** that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- 13.2.4.5** that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

13.3 Hearing Procedures

13.3.1 Parties Appellant Before the Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

13.3.2 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

13.3.3 Application Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

- 13.3.3.1** the name and address of the applicant or appellant;
- 13.3.3.2** the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 13.3.3.3** a brief description and location of the parcel to be affected by such proposed change or appeal;
- 13.3.3.4** a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 13.3.3.5** a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed

improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

13.3.4 Procedure for Zoning Officer

- 13.3.4.1** The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 13.3.4.2** The Zoning Officer may recommend to the Zoning Hearing Board a modification or reversal of recommended action in cases where substantial justice requires the same but where he does not have sufficient authority to depart from the regulations.

13.3.5 Hearing Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

- 13.3.5.1** Public notice in accordance with the definition of *Public Notice* in Section 2.2 of this Ordinance;
- 13.3.5.2** Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 13.3.5.3** Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Township Planning Agency shall be given notice at least 30 days prior to the hearing); and

13.3.5.4 In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

13.3.6 Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall include the vote, failure to vote, or absence from the vote of each member upon each question. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

13.3.7 Decisions

13.3.7.1 The Board shall render a written decision, or when no decision is called for, make written findings within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefor. Conclusions based on any provisions of this chapter or the MPC 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.

13.3.7.2 The Board may conduct its deliberations and shall vote on all matters in public session at the meeting in which evidence is concluded. If additional time for deliberation is necessary, the Board shall reschedule the deliberations to a date within the allotted forty-five-day time limit.

13.3.7.3 All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of those present and voting unless otherwise specified herein.

- 13.3.7.4 No member of the Board shall vote on any matter in which he is personally or financially interested. Said member may be counted by the Board in establishing the quorum for such matters.
- 13.3.7.5 No member of the Board shall vote on the adjudication of any matter unless he has attended the public hearing thereon.
- 13.3.7.6 A tie vote shall be considered a rejection of the application under consideration. However, if a person aggrieved has appealed the grant of a permit or approval, a tie vote upholds the prior approval.
- 13.3.7.7 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 next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

13.3.8 Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain a Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

13.3.9 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, which must be a majority of the total members.

13.3.10 Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 day (see §13.3.5) and/or 45 day (see §13.3.7) time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

13.3.11 Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

13.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within 30 days to the Court of Common Pleas of Lycoming County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 14

Amendments and Conditional Uses - Board of Supervisors

14.1 Amendments to Zoning Ordinance or Map

The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

14.1.1 Review by Planning Agency

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

14.1.2 Public Hearing

Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract together with property description to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted as required above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty 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 good faith effort and substantial compliance shall satisfy the requirements of the subsection.

14.1.3 Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

14.1.4 Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

14.1.5 Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

14.1.6 Landowner Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code.

14.1.7 Municipal Curative Amendment

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code.

14.2 Conditional Uses

The Township Supervisors may grant Conditional Use approval for only those instances specified in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

14.2.1 Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

14.2.2 Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

- 14.2.2.1 the location of the tract of land;
- 14.2.2.2 the present use of the tract for which the conditional use is requested;
- 14.2.2.3 the present use of adjoining tracts;
- 14.2.2.4 the type of conditional use for which the application is made;
- 14.2.2.5 a brief description of the type and extent of the proposed activities;
- 14.2.2.6 an estimate of the total development cost of the conditional use; and
- 14.2.2.7 the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

14.2.3 Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 14.2.3.1 title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;

- 14.2.3.2 tract boundaries showing bearings and distances;
- 14.2.3.3 existing significant natural or man-made features of the site;
- 14.2.3.4 existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 14.2.3.5 existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 14.2.3.6 existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 14.2.3.7 proposed grading and drainage plan;
- 14.2.3.8 proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 14.2.3.9 plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 14.2.3.10 location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where minor site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

14.2.4 Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

14.2.5 Criteria for Review and Approval of Conditional Use

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

- 14.2.5.1 the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
- 14.2.5.2 whether the specific site is an appropriate location for the use, structure or condition;
- 14.2.5.3 whether the use developed will adversely affect the neighborhood;
- 14.2.5.4 whether the use will create conditions interfering with the peace and enjoyment of the neighborhood or serious hazard to vehicles or pedestrians;
- 14.2.5.5 whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
- 14.2.5.6 the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
- 14.2.5.7 whether satisfactory provision and arrangement has been made concerning the following:
 - ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - off-street parking and loading areas;
 - waste collection, storage or disposal;
 - utilities, with reference to location, availability and compatibility;
 - screening and buffering with reference to type, dimensions and character;
 - signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
 - required yards and open spaces.

14.2.6 Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance,

rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

14.2.7 Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified *in* Sections 14.2.4 and 14.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision with *in* ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

14.2.8 Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

14.2.9 Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision in litigation.

ARTICLE 15

Administration and Enforcement

15.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 15.2 herein.

15.2 Powers and Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 15.2.1 Receive and evaluate applications for permits, certificates, variances, special exception or conditional uses, appeals and other applications within the terms of this Ordinance;
- 15.2.2 Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 15.2.3 Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Board of Supervisors, as appropriate;
- 15.2.4 Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;

- 15.2.5** Examine land, buildings, and structures to determine their consistency with the Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials;
- 15.2.6** Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 15.2.7** Issue written enforcement notices as specified in Section 15.6 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the Magisterial District Judge having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;
- 15.2.8** Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made;
- 15.2.9** Serve as the Township Floodplain Administrator when assigned that duty by the Board of Supervisors;
- 15.2.10** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 15.2.11** Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding *whether* a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;

- 15.2.12 Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;
- 15.2.13 Identify and register nonconforming premises in accord with the Nonconforming regulations of Article 6; and
- 15.2.14 Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

15.3 General Procedure: Zoning Permit Required

If required, persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

15.4 Zoning Permits and Certificates

15.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- 15.4.1.1 **Permitted Use** - Issued by the Zoning Officer on the authority granted herein;
- 15.4.1.2 **Special Exception Use** - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
- 15.4.1.3 **Conditional Use** - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;
- 15.4.1.4 **Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

15.4.2 Requirement for Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 8; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 15.4.2.1** interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 15.4.2.2** exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, decks, painting, storm windows, and similar activities;
- 15.4.2.3** cultivation of crops;
- 15.4.2.4** landscaping including the erection of land terraces, steps or other similar features;
- 15.4.2.5** placement or location of utility distribution lines; or
- 15.4.2.6** razing of buildings or structures.
- 15.4.2.7** Accessory Uses and Structures identified in Section 6.3 as exempt from a zoning permit

15.4.3 Application

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Township and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party

shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

15.4.4 Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

15.4.5 Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also if the PA Department of Labor and Industry, the Department of Transportation, County Conservation District (E&S Controls), PA DEP (state and federal environmental plans and/or permits, e.g NPDES), or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

15.4.6 Changes

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

15.4.7 Permit and Permit Placard

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

15.4.8 Time Limitations

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued by the applicant or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

15.4.9 Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

15.4.10 Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

15.4.11 Revocation of Permit

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Board of Supervisors.

15.4.12 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Board of Supervisors may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

15.4.13 Occupancy Permits

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. All applications for Occupancy Permits shall be in writing.

15.5 Violations

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Occupancy, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

15.6 Enforcement Notice

If it appears to the Township that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

- 15.6.1** The name of the owner of record and any other person against whom the municipality intends to take action.
- 15.6.2** The location of the property in violation.
- 15.6.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 15.6.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 15.6.5** That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- 15.6.6** That failure to comply with the notice within the time specified, unless extended

by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

15.7 Cause of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

15.8 Enforcement Remedies

15.8.1 Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 15.8.2.

15.8.2 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

15.9 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.

Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.