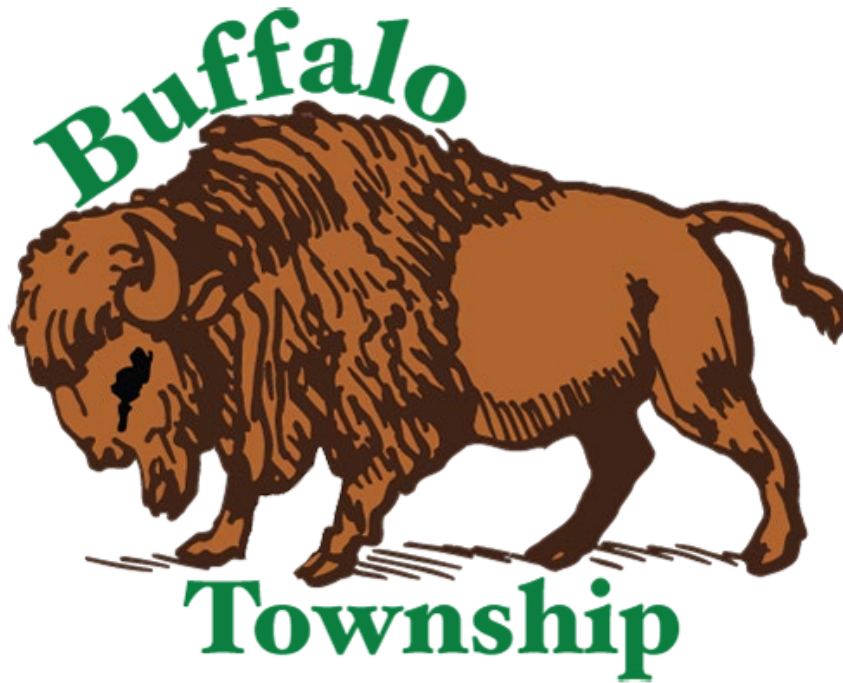


Buffalo Township  
**Zoning Ordinance**  
Union County, Pennsylvania

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## CHAPTER 27

### ZONING

#### Part 1

#### General Provisions

**§101. Authority.** This Chapter 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).

**§102. Short Title.** This Chapter shall be known and may be cited as the Buffalo Township Zoning Ordinance.

**§103. Effective Date.** This Chapter shall become effective immediately upon enactment.

**§104. Purpose.** This Chapter is designed, adopted, and enacted:

(1) To provide the minimum conditions necessary to achieve the goals of the Comprehensive Plan for Buffalo Township.

(2) To promote the public's health, safety, morals, and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property, provide adequate open spaces for light and air, prevent undue concentration of population, and lessen congestion on streets and highways.

**§105. Community Development Objectives.** The Community Development Objectives of this Chapter shall be the **Goals and Objectives** of the **Comprehensive Plan for Buffalo Township, Union County, Pennsylvania** adopted August 5, 1991.

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

**§107. Establishment of Controls.**

(1) Minimum and Uniform Regulations. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

(2) For New Uses and Structures. In all districts, after the effective date of this Chapter, 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.

(3) For Existing Uses and Structures. In all districts, after the effective date of this Chapter, 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 §509.

(4) Types of Controls. The following minimum and uniform regulations shall apply in the respective districts:

(a) Use regulations, including Permitted, Special Exception, and Conditional Uses;

(b) 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;

(c) 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;

(d) Floodplain management provisions; and

(e) Criteria for the evaluation of Special Exemption and Conditional Uses.

**§108. Application of Regulations.** Except as provided for elsewhere within the Chapter:

(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;

(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 Chapter, shall be included as part of



a yard, open space, or off-street parking or loading space similarly required for any other building;

(3) No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements established by this Chapter;

(4) When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board with the recommendation from the Planning Commission shall make the determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing their decision on the overall intent stipulated for the district by Part 3.

(5) In cases of "Mixed Occupancy" the regulations for each use shall apply to the portion of the building or land so used.

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

**§110 Conflicts.**

(1) Repeal. All ordinances or parts of ordinances in conflict with this Chapter, to the extent of such conflict and no further, are hereby repealed.

(2) Relation to State Law. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Chapter. The Chapter shall control in all cases where the State requirements are less than herein contained.

**§111. Disclaimer of Liability.**

(1) This Chapter shall not create liability on the part of the Township of Buffalo or any officer or employee thereof for any fire or flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(2) With regard to the floodplain management provision of this Chapter, 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 Chapter 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.

(3) Access to a public system (i.e., water or sewerage systems), when stipulated by this Chapter, cannot be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

**§112. Amendment to Prior Ordinance.** This Chapter serves to amend, under the terms of Section 609 of the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, the prior Buffalo Township Zoning Ordinance, enacted and ordained by the Board of Supervisors of Buffalo Township, Union County, Pennsylvania, on July 6, 1992, and any subsequent amendments to that Ordinance.

## CHAPTER 27

### ZONING

#### Part 2

#### Definitions

**§201. Applicability and Interpretation.** It is not intended that this glossary include only words used or referred to in this Chapter. The words are included in order to facilitate the interpretation of the Chapter 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 Chapter 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”; the word “shall” is intended to be mandatory; and the word “abut” shall include the words “directly across from”.

**§202. Definition of Terms.** For the purposes of this Chapter, 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 Chapter. See §502(8).

ACCESSORY SOLAR ENERGY SYSTEM – An area of land or other area for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is primarily intended to reduce on-site consumption of utility power or fuels.

(Ordinance No. 20-5, adopted August 3, 2020)

ACCESSORY STRUCTURE FOR TEMPORARY RESIDENCE - A structure subordinate to and located on the same lot as the principal building that is placed on the side or rear

yard of a family home for occupancy of a qualified occupant who is a member of the family occupying the principal residence. The structure offers autonomy for its occupant along with easy access to the host family who can provide assistance provided, however, that when the Accessory Structure for Temporary Residence is no longer occupied by a qualified occupant, said structure shall be removed or utilized for another permitted accessory use. (Ordinance No. 22-1, adopted January 3, 2022)

**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.

**ADULT ENTERTAINMENT** – 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 (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 enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this Chapter, the word Agricultural Operation shall not include “Kennels” nor “Agricultural Business”.

**ALLEY** – A public or private way upon which no dwellings or stores front, affording secondary means of access to abutting property.

**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 Chapter 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 –

COMMERCIAL 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.

NON-COMMERCIAL KENNEL – Any establishment where no more than 5 dogs over six months of age are kept within or adjoining a private residence for the non-commercial purpose of hunting or exhibition in shows or field trials, obedience training or as a family pet. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity for the purpose of this Chapter. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot which the kennel is located.

ANIMAL UNIT (AU) – One thousand (1,000) pounds live weight of livestock, fowl or other animals, regardless of the actual number of individual animals comprising the unit. (Ordinance No. 18-02, adopted November 5, 2018)

APPEAL – A means for obtaining review of, a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Part 8.

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 the approval of a development plan.

AUTHORITY – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authorities Act of 1945.

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 automobiles 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 its floor level below ground level on all sides. 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 OR OFF PREMISES ADVERTISING SIGN – Signs or boards which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place, or activity that exists or occurs at a location other than the location upon which the board is erected, i.e., an off-premises sign. For the purposes of this Chapter, billboards shall be free-standing structures, and shall not include wall signs.

(Ordinance No. 21-03, adopted December 6, 2021)

BLADE LENGTH – The length measured from the tip of any blade to the hub of the nacelle.

(Ordinance No. 09-64, adopted December 7, 2009)

BOARD – The Board of Supervisors for Buffalo Township, Union County, Pennsylvania.

BOARDING HOUSE – Any dwelling in which no more than four (4) persons are housed or lodged for hire with or without meals. A lodging house or a furnished-room house shall be deemed a boarding house. This use shall not include Family Based Group Home and Group Care Facility.

BUILDING – Any structure having a roof supported by columns or walls used for shelter, housing or enclosure of persons, animals or property.

**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, 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 Chapter, a Campground is classified as an Outdoor Recreation Area.

**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 walls of the main building to which the carport is an accessory building or extension.

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

**CERTIFICATE OF OCCUPANCY** – A statement signed by the Zoning Officer setting forth that a building complies with the provisions of this Chapter, 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 Chapter.

**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.

**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.

COMMERCIAL KENNEL – See Animal Kennel.

COMMERCIAL RECREATION – See Recreation Facility, Commercial.

COMMISSION – The Planning Commission of Buffalo Township, Union 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 communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owner or operated by any person or entity licensed by the Federal Communications 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.

COMMUNICATIONS 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.

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

COMPREHENSIVE PLAN – 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.

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 Chapter for such cases are met. “Conditional Uses” are allowed or denied by the Board of Supervisors after recommendation 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.

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

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 raising of crops and excluding the keeping of animals.

DAY CARE CENTER – A facility which provides daytime care and/or instruction to two or more persons and operates on a regular basis. Day Care Centers include, but are not limited to, nursery schools, preschools, and adult day care centers. Day Care Centers do not include facilities (1) in which medical services are provided by a licensed physician or nurse; (2) that provide education for persons age six or higher, or (3) that qualify as Family Day Care Homes, Family Based Group Homes, Group Care Facilities, Nursing Homes or Retirement Villages as defined in this Chapter.

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.

DESIGNATED GROWTH AREA – A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

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; and

(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 planned residential development 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 or 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 Buffalo 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 Chapter text apply.

DOMESTIC LIVESTOCK USE – Any activity involving the breeding, raising, caring for, housing and principally the hobby/personal use of domestic animals and products derived from those animals by the occupant or owner of the lot on which the use is located. Such animals may include, but need not be limited to, equine species such as horses and ponies, camelids such as llamas and alpacas, and other species not defined as pets or regulated elsewhere in this Chapter. Incidental sales of animals or animal products directly associated with the use may be permitted, however, no stock-in-trade sales, sales building or sales area as such shall be permitted. A domestic livestock use shall be accessory to a dwelling located on the same lot. This definition excludes all commercial animal operations such as, but not limited to, livestock production for wholesale and retail markets, boarding and riding stables and liveryes.

(Ordinance No. 18-02, adopted November 5, 2018)

DUPLEX – “Duplex” means two dwelling units, each of which is attached side by side sharing only one common wall with the other. Each unit shall have individual access to the outside. (Ordinance No. 21-03, adopted December 6, 2021)

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, 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 one above the other. Each unit shall have individual access to the outside. (Ordinance No. 21-03, adopted December 6, 2021)

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.

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

ESSENTIAL SERVICES – Public 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.

FAMILY – For purposes of this Chapter, “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 Chapter.

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

FAMILY BASED GROUP HOME – A public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes foster homes for children and group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

**FAMILY DAY CARE HOME** – A residence offering baby-sitting services and childcare services to a maximum of six children unrelated to the resident household. A Family Day Care Home is permitted as a home occupation in a residential dwelling.

**FARM OWNER OPERATOR** – The owner of a lot where an agricultural operation is situated who (1) resides on the lot; (2) manages the agricultural operation; and (3) has submitted an IRS Schedule F for the agricultural operation.

**FLOOD** – A temporary inundation of normally dry land areas.

**FLOODPLAIN AREA** – A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this area shall coincide with the boundary of the 100 year flood as defined in this Chapter.

**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.

**FLOODWAY** – The designated area of a floodplain required to carry and discharge floor waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

**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.

**FUTURE GROWTH AREA** – An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

**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.

GLARE – The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

(Ordinance No. 20-5, adopted August 3, 2020)

GOVERNING BODY – The Board of Supervisors, Township of Buffalo, County of Union, 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 CARE FACILITY – Is a public agency licensed, supervised, or operated facility which provides resident services for 4 to 10 individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. This category does not include day care centers, family based group homes, nursing homes, hospitals, prisons or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or Family Based Group Home.

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.

HISTORIC STRUCTURE – Any structure that is:

(1) 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;

(2) 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;

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

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

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

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

**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 following requirements of §618.

**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** – Any lawful, service-oriented occupation, profession or second occupation customarily conducted entirely within a dwelling or on a farm and carried on by the inhabitants thereof, which is clearly incidental, secondary, and consistent with the use of the premises for dwelling or agricultural purposes and does not change the character thereof. Home occupation is deemed to include: Barber, Hairdresser, Tailor, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Teacher, Realtor, Insurance Agency, Minister, Municipal Officials, Family Day Care Home, Craft Shop, Repair Shop, and other uses of the same general character.

**HOMEOWNER'S ASSOCIATION** – An incorporated, non-profit organization operating under recorded land agreements through which, (1) each lot and/or home owner in a Cluster Development or other described land area is automatically a member and (2) 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 (3) the charge if unpaid becomes a lien against the property.



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.

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood.

IMPERVIOUS SURFACE – Any surface which shall not readily absorb precipitation, including paved areas such as driveways, sidewalks and parking area whether constructed of concrete, brick, asphalt, compacted stone and other non-porous material, as well as all building and structures, and bodies of water.

(Ordinance No. 18-02, adopted November 5, 2018)

INDUSTRIAL PARK – A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

INSTITUTION – A public or quasi-public facility providing for extended care of inmates or residents.

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 herein 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:

(a) 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 tenants; or

(b) The division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective

occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

Except that the following shall be excluded from this definition:

(1) 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;

(2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

(3) 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.

**LIGHT MANUFACTURING** – A manufacturing operation that produces a negligible amount of noise, smoke, odor, dust, vibration, or glare as a result of operation of the activity. All manufacturing activity shall be carried on below the EPA and Department of Environmental Protection permitting standards. However, in all events any Light Manufacturing use that creates any radioactive material or by-product in any form or state shall not be permitted.

**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 rights-of-way.

**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 LINES, 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.

LOWEST FLOOR – The lower 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 which 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 Chapter.

MANUFACTURED HOUSING – See definition under “Dwelling, Manufactured”.

MANUFACTURED/MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured or mobile home lots for the placement thereon of manufactured (mobile) homes.

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 MARIJUANA – Marijuana for certified medical use as set forth in the Medical Marijuana Act. (Ordinance No. 17-05, adopted August 7, 2017)

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Commonwealth of Pennsylvania to dispense medical marijuana. The term does not include a health care medical marijuana organization. (Ordinance No. 17-05, adopted August 7, 2017)

MEDICAL MARIJUANA GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Commonwealth of Pennsylvania under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a health care medical marijuana organization. (Ordinance No. 17-05, adopted August 7, 2017)

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

**MINOR REPAIR** – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MIXED OCCUPANCY** – The use of a lot for more than one principal use.

**MOBILE HOME** – See definition under “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.

**MULTIMUNICIPAL PLANNING AGENCY** – A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

**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 Buffalo, Union 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.

**NEIGHBORHOOD RETAIL** – A commercial use (including retail and incidental food service) which is limited in scale, primarily serving a local neighborhood and oriented to pedestrian or limited vehicular traffic.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after April 4, 1977 and includes any subsequent improvements thereto.

**NO IMPACT HOME BASED BUSINESS** – See “Home Based Business, No Impact”.

**NON-AGRICULTURAL DEVELOPMENT** – Land area converted from an agricultural operation to a development use including any lots, driveways, roadways, rights-of-way or easements that serve the development activity.

**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 Chapter or amendment thereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, non-conforming signs.

**NON-CONFORMING USE** – A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Chapter or amendments thereto 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.

**OFFICE PARK** – A Land Development, which consists of two or more office buildings.

**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 reenacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**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 Chapter 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 the use of structure or parcel of land indicating that the premises complies with the provisions of this Chapter 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.

PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district, created from time to time, under the provision of this Chapter.

PLANNING COMMISSION – The Planning Commission of Buffalo Township, Union 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.

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

PRINCIPAL SOLAR ENERGY SYSTEM – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical

energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. Referred to as “PSES.”

(Ordinance No. 20-5, adopted August 3, 2020)

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 – Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

PUBLIC – Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

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 INFRASTRUCTURE AREA – A designated growth area and all or any portion of a future growth area described in a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

PUBLIC INFRASTRUCTURE SERVICES – Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and



facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

**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. 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. Banks, Post Offices, Churches, Cemeteries, Schools, Community Centers, Fire Halls, Municipal Buildings, Community Sewer and Water Treatment Facilities 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 sewage 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 and leisure-time activities.

**RECREATION FACILITY, COMMERCIAL** – A profit or non-profit business in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Commercial Recreation shall include but not be limited to theaters, go cart track, farm vacation homes, exercise centers, and/or recreation facilities operated as a profit or non-profit and open to the public for a fee.

RECREATION FACILITY, PERSONAL – A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

RECREATION FACILITY, PUBLIC – A recreation facility open to the general public and operated by a local government agency.

RECREATION VEHICLE – A vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a non-commercial truck; (4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 Chapter, a Recreational Vehicle Park is classified as an Outdoor Recreational Use.

REGULATORY FLOOD ELEVATION – The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

REPETITIVE LOSS – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

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 non-lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non-lodgers.

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 as a street, drain, ditch, stream, utility easement or cross walk.

RUNNING-AT-LARGE – Any instance in which an animal is running about loose on a street, or upon the property of a person other than the owner of such animal, unleashed and unaccompanied by the owner or custodian or by any member of the owner's family or by any servant or agent of the owner of such animal.

(Ordinance No. 18-02, adopted November 5, 2018)

RURAL RESOURCE AREA – An area described in a municipal or multimunicipal plan within which rural resource uses including but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

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.

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 a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

SIGN, ADVERTISING – A sign 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 enclosing 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.

SIGN, TEMPORARY – Promotional flags or pennants, temporary portable signs, temporary business identification signs, political signs or other special promotional or advertising devices or banners, or temporary event signs intended to be erected for a limited period of time to call attention to a legally permissible special event.

(Ordinance No. 20-06, adopted October 5, 2020)

SMALL COTTAGE - Small, separate, manufactured, relocatable residences that are placed on the side or rear yard of a family home for occupancy of a qualified occupant who is a member of the family occupying the principal residence. The cottage offers autonomy for its occupant along with easy access to the host family who can provide assistance. When no longer occupied, the cottage is removed from the property. (Ordinance No. 22-1, adopted January 3, 2022)

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, except as required by law. The Small Wind Energy System shall follow the rules of net metering under the Commonwealth of Pennsylvania policy.

(Ordinance No. 09-64, adopted December 7, 2009)

SOLAR EASEMENT – A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

(Ordinance No. 20-5, adopted August 3, 2020)

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

(Ordinance No. 20-5, adopted August 3, 2020)

SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

(Ordinance No. 20-5, adopted August 3, 2020)

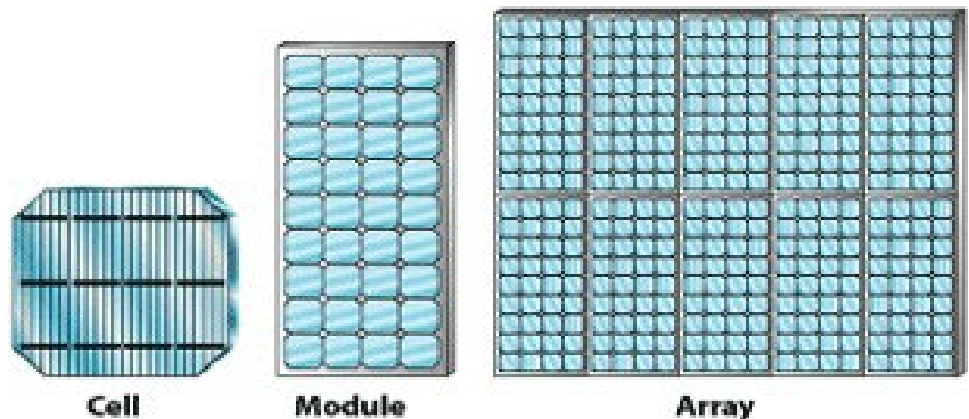
SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

(Ordinance No. 20-5, adopted August 3, 2020)

SOLAR ARRAY – A grouping of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL – The smallest basic solar electric device that generates electricity when exposed to light.

SOLAR MODULE – A grouping of solar cells with the purpose of harvesting solar energy.



(Ordinance No. 20-5, adopted August 3, 2020)

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, requires individual consideration by the Zoning Hearing Board before a Zoning Permit may be decided upon.

SPECIAL PERMIT – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial

improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**STANDARD ANIMAL WEIGHT** – The given weight of a particular animal, whether mature or immature, used to determine how many animals comprise an Animal Unit as defined in this Chapter.

For the purposes of this Chapter, the following standard animal weights shall be used to calculate Animal Units:

Cow (dairy or beef)	1400 lbs.
Swine (grow finish)	275 lbs.
Swine (sow)	450 lbs.
Poultry (layer)	4 lbs.
Poultry (broiler)	7 lbs.
Poultry (turkey)	25 lbs.
Poultry (duck)	6 lbs.
Sheep/goats	200 lbs.
Light horses	1100 lbs.
Draft horses	1800 lbs.
Deer	200 lbs.
Alpaca/Llama	350 lbs.

For an animal species not listed above, the typical live weight of mature animals of the species shall be utilized.

(Ordinance No. 18-02, adopted November 5, 2018)

**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 Buffalo Township Comprehensive Plan.

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 Lines, 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 – Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

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”).

SUBSTANTIAL ADDITIONS TO MANUFACTURED HOME PARKS – Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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 either:

(1) 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; or

(2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**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 (1) 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 (2) 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 DER 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. (Ordinance No. 09-64, adopted December 7, 2009)

**TEMPORARY USE** – The use of land or the structure or building located on a lot for a limited time as regulated by this Chapter.

**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 Buffalo, Union County, Pennsylvania.

**TOURIST HOME** – A dwelling in which overnight accommodations are provided or offered to transient guests for compensation.



TRACT SIZE – The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT – An area of land developed for a compatible mixture of residential units for various income levels and non-residential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernable edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAILER STORAGE – Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

TRANSFERABLE DEVELOPMENT RIGHTS – The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRAVEL TRAILER – A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation, having a width of less than ten feet, but not to be construed as a mobile home for permanent residence.

TRUCKING TERMINAL – Land and buildings used for the transfer of freight, trailers, tractors or drivers from one vehicle to another or one party to another. The trucking terminal may include storage areas for trucks and areas for the repair of trucks associated with the terminal, but does not include permanent or long term storage of merchandise. Premises for the storage of farm titled vehicles are not included for the purposes of this definition. (Ordinance No. 17-01, adopted June 5, 2017)

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. (Ordinance No. 09-64, adopted December 7, 2009)

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 Chapter 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 Chapter.

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

WASTE – A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Protection definitions and regulations.

WIND ENERGY FACILITY – An electric generating complex of wind towers, whose main purpose is to supply electricity, 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.

(Ordinance No. 09-64, adopted December 7, 2009)

WIND 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. (Ordinance No. 09-64, adopted December 7, 2009)

YARD – An open space which lies 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 side lot line, unoccupied and unobstructed from the ground upward.

YARD, MINIMUM – The minimum area or open space required by this Chapter to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

(Ordinance No. 09-64, adopted December 7, 2009)

YARD SALE OR GARAGE SALE – The sale by a resident conducted on the premises of tangible personal property, 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 Chapter.

ZONING HEARING BOARD – The Zoning Hearing Board for Buffalo Township, Union County, Pennsylvania.

ZONING MAP – The officially adopted Zoning Map of Buffalo Township, Union 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 Chapter.

ZONING ORDINANCE – The Zoning Ordinance of Buffalo Township, Union County, Pennsylvania, as amended.

ZONING PERMIT – See “Permit”.

## CHAPTER 27

### ZONING

#### Part 3

#### Establishment of Zoning Districts and Zoning Map

**§301. Names and Purposes of Zoning Districts.** Buffalo Township is hereby divided into the following districts:

(1) **PLP** (Public Land Preservation). The purpose of this District is to restrict the development of publicly owned lands in order to encourage the preservation of these areas. This District has been designated in areas where the local, state, or federal government owns the land. Uses in this District are restricted to recreational usage, appropriate public uses, and very low-density residential usage.

(2) **WP** (Woodland Preservation). The purpose of this District is to permit limited single family residential development on a very low-density basis. The Woodland Preservation District has been designated where one or more environmental constraints exist and the land is still primarily wooded. It has been established to protect the rural atmosphere for the Township in the present and future, however, limited development would be permitted in this District; this would include residential, recreational and limited agriculture. This District is critical in conserving the natural environment since steep slopes, wetlands and poor soils are dominant in this District.

(3) **AP** (Agricultural Preservation). The purpose of the Agricultural Preservation District is to permit, protect and encourage the continued use of the land for agricultural purposes and to maintain agriculture as an ongoing economic activity in the Township. Agricultural business concerns and other uses supportive of the agricultural community are to be encouraged. This District is comprised of those areas in the Township whose predominant land use is agricultural. It is also the intent of the Agricultural Preservation District regulations to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain agricultural lots or farms in sizes which will permit efficient agricultural operations.

(4) **RR** (Rural Residential). The purpose of this District is to provide for low density single family residential uses served primarily by on lot sewer and water facilities.

(5) **V** (Village). The purpose of this District is to preserve the community character of the existing villages within the Township by providing a medium density area with basic

services and commercial uses integrated within the community. This District recognizes the value of mixed uses within the Township to enhance and protect the “small town” tradition.

(6) **CM** (Commercial Manufacturing). The purpose of this District is to provide a location for heavy or intense commercial uses such as shopping centers, office parks, etc., as well as light industrial uses in a cluster or campus like atmosphere.

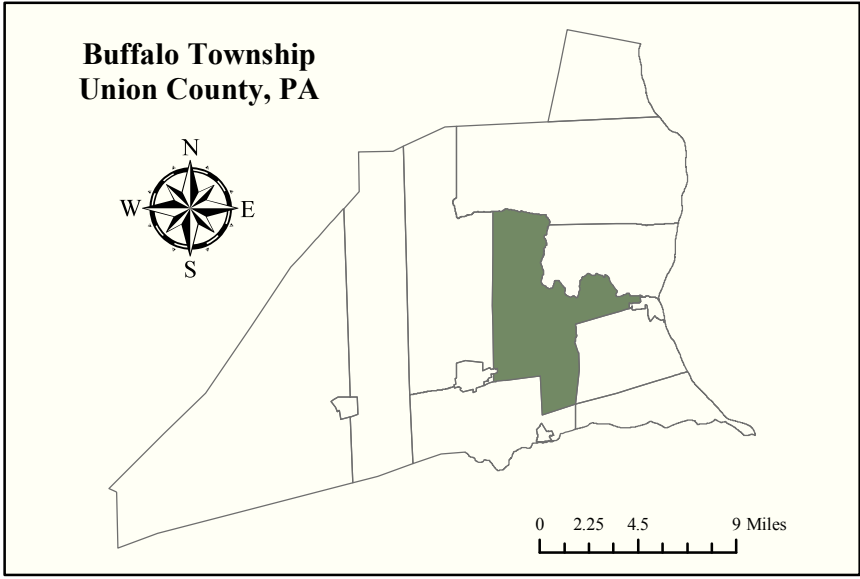
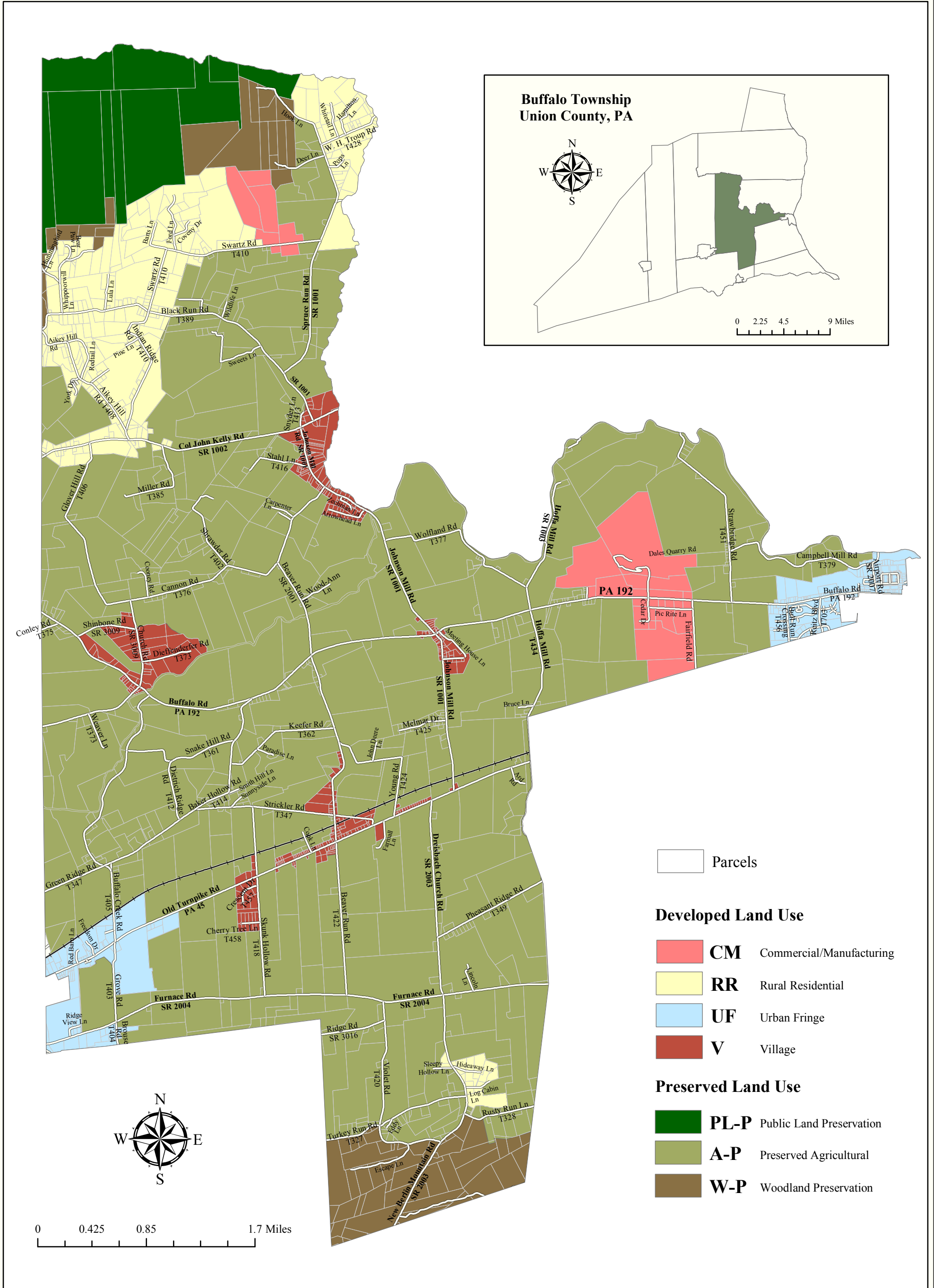
(7) **UF** (Urban Fringe). The purpose of this District is to provide an area for moderate density development, to accommodate the transition of those areas immediately adjacent to the urbanized settings in the surrounding municipalities, and to encourage development which protects and preserves the District’s character.









**§302. Zoning Map.** The location and boundaries of these Districts are established as shown on the attached sample Zoning Map of the Municipality. Regardless of the existence of sample copies of the Zoning Map, which may from time to time be made, the Official Zoning Map shall be the map on file in the office of the Municipality.

**§303. Interpretation of Boundaries.** If uncertainty exists as to the boundary of any District shown on the Official Zoning Map, the Zoning Hearing Board shall determine the location of such boundary. The Zoning Hearing Board may request a recommendation from the Planning Commission prior to making such decision.

# BUFFALO TOWNSHIP

## Zoning Districts



-  Parcels
  
- Developed Land Use**
-  **CM** Commercial/Manufacturing
-  **RR** Rural Residential
-  **UF** Urban Fringe
-  **V** Village
  
- Preserved Land Use**
-  **PL-P** Public Land Preservation
-  **A-P** Preserved Agricultural
-  **W-P** Woodland Preservation

Source: Union County GIS Data, State Plane Coordinates, North Zone, NAD 83

Mapping by Union County GIS Department, March 2002;  
 Revised April 2012 per zoning amendment of March 5, 2012;  
 Revised Aug 2017 per Ordinance No 17-01 of June 5, 2017

## CHAPTER 27

### ZONING

#### Part 4

#### District Regulations

**§401. General.** The regulations governing the use of lands, size of lots, yards and buildings within each Zoning District identified in Part 3 are established in this Part. For certain uses or exceptional situations, these regulations are supplemented by Parts 5 and 6 and by other provisions of this Chapter.

No uses shall be permitted in any District if they are to be operated in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosion, radioactivity or other hazard, noise, vibration, odor, smoke, dust or other forms of pollution, glare, electrical and other disturbances which adversely affect surrounding areas or premises.

All uses shall comply with all applicable ordinances, statutes, laws, regulations and rules of all local, state and federal governments and government agencies.

(Ordinance No. 17-01, adopted June 5, 2017)

#### **§402. Public Land Preservation District.**

##### **(1) Permitted Uses in the Public Land Preservation District.**

- (a) Accessory Use or Structure (see §502);
- (b) Campground; (Ordinance No. 17-01, adopted June 5, 2017)
- (c) Communication Antennae and Equipment Buildings (see §607);
- (d) Cultivation of Crops (no permit required);
- (e) Domestic Livestock (see §502);  
(Ordinance No. 18-02, adopted November 5, 2018)
- (f) Dwelling, Seasonal; Hunting or Fishing Club;
- (g) Dwelling, Single Family Detached;
- (h) Dwelling, Two-Family;

- (i) Essential Services (no permit required);
- (j) Family Day Care Home (see §614);
- (k) Forestry Activities (no permit required);
- (l) No Impact Home Based Business (see §618);
- (m) Recreation Facility, Public;
- (n) Riding Stable, Private (see §619); or
- (o) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

6). (2) Special Exception Uses in the Public Land Preservation District (see Criteria in Part

- (a) Public or Quasi-Public Uses.

(3) Conditional Uses in the Public Land Preservation District.

(4) Height and Coverage Requirements in the Public Land Preservation District.

- (a) Maximum Building Height: 35 ft.
- (b) Maximum Impervious Coverage: 10%
- (c) Maximum Building Coverage: 5%

(5) Areas and Dimensions in the Public Land Preservation District.

- (a) Minimum Lot Size: 25 acres
- (b) Minimum Lot Width: 200 ft.
- (c) Minimum Yards:

- Front: 100 ft.
- Side: 50 ft.
- Rear: 100 ft.



**§403. Woodland Preservation District.**

(1) Permitted Uses in the Woodland Preservation District.

- (a) Accessory Use or Structure (see §502);
- (b) Agricultural Operation (see §404(6)(a)(3));
- (c) Bed & Breakfast Inn (see §605);
- (d) Campground; (Ordinance No. 17-01, adopted June 5, 2017)
- (e) Commercial Kennels;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (f) Communication Antennae and Equipment Buildings (see §607);
- (g) Communication Tower (Height 100 Feet or Less)(see §607);
- (h) Communication Tower (Height Greater Than 100 feet);  
(Ordinance No. 17-01, adopted June 5, 2017)
- (i) Cultivation of Crops (no permit required);
- (j) Domestic Livestock (see §502);  
(Ordinance No. 18-02, adopted November 5, 2018)
- (k) Dwelling, Seasonal; Hunting or Fishing Club;
- (l) Dwelling, Single Family Detached;
- (m) Dwelling, Two-Family;
- (n) Essential Services (no permit required);
- (o) Family Day Care Home (see §614);
- (p) Forestry Activities (no permit required);
- (q) Home Based Business;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (r) Home Occupation (see §614);
- (s) No Impact Home Based Business (see §618);

- (t) Recreational Facility, Public;
- (u) Riding Stables, Commercial (see §619);
- (v) Riding Stable, Private (see §619); or
- (w) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

(2) Woodland Preservation District Special Exemption Uses (see Criteria in Part 6).

- (a) Public or Quasi-Public Uses.

(3) Woodland Preservation District Conditional Uses (see Criteria in Part 6).

- (a) Surface Mining.

(4) Height and Coverage Requirements in the Woodland Preservation District.

- (a) Maximum Building Height: 35 ft.
- (b) Maximum Impervious Coverage: 10%
- (c) Maximum Building Coverage: 5%

(5) Areas and Dimensions in the Woodland Preservation District.

- (a) Minimum Lot Size: 10 acres
- (b) Minimum Lot Width: 300 ft.
- (c) Minimum Yards:
  - Front: 100 ft.
  - Side: 50 ft.
  - Rear: 100 ft. (primary structure)
  - 50 ft. (accessory structure)

**§404. Agricultural Preservation District.**

(1) Purpose of the Agricultural Preservation District. The purpose of the Agricultural Preservation District is to permit, protect and encourage the continued use of the land for agricultural purposes and to maintain agriculture as an ongoing economic activity in the Township. Agricultural business concerns and other uses supportive of the agricultural

community are to be encouraged. This District is comprised of those areas in the Township whose predominant land use is agricultural. It is also the intent of the Agricultural Preservation District regulations to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain agricultural lots or farms in sizes which will permit efficient agricultural operations.

(2) Agricultural Preservation District Permitted Uses.

- (a) Accessory Use or Structure (see §502);
- (b) Agricultural Operation (see §404(6)(a)(3));
- (c) Agricultural Business (see §404(7));
- (d) Animal Hospital (see §603);
- (e) Bed & Breakfast Inn (see §404(7) and §605);
- (f) Commercial Kennel;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (g) Communication Antennae and Equipment Buildings (see §607);
- (h) Communication Tower (Height 100 Feet or Less); (see §607);
- (i) Communication Tower (Height Greater Than 100 feet);  
(Ordinance No. 17-01, adopted June 5, 2017)
- (j) Cultivation of Crops (no permit required);
- (k) Domestic Livestock (see §502);  
(Ordinance No. 18-02, adopted November 5, 2018)
- (l) Dwelling, Multi-Family in Existing Farm Dwelling (This use shall only be permitted when operated by the farm owner operator. No subdivision of land for this use shall be permitted);
- (m) Dwelling, Seasonal; Hunting or Fishing Club (see §404(7));
- (n) Dwelling, Single Family Detached (see §404(7));
- (o) Dwelling, Two-Family (see §404(7));

- (p) Essential Services (no permit required);
- (q) Family Based Group Home (see §610);
- (r) Family Day Care Home (see §614);
- (s) Forestry Activities (no permit required);
- (t) Home Based Business;
- (u) Home Occupation (see §614);
- (v) No Impact Home Based Business (see §618);
- (w) Recreation Facility, Public (see §404(7));

(x) Retail, Office, Service Use, or Restaurant (This use shall only be permitted when operated by the farm owner operator. No subdivision of land for this use shall be permitted. However, a land development plan in accordance with the Subdivision and Land Development Chapter for Buffalo Township shall be required). (see 404(7));

- (y) Riding Stables, Commercial (see §619);
- (z) Riding Stable, Private (see §619); or
- (aa) Principal Solar Energy System (see §623).  
(Ordinance No. 20-5, adopted August 3, 2020)
- (bb) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

(3) Agricultural Preservation District Special Exception Uses (see Criteria in Part 6).

- (a) Public or Quasi-Public Uses (see §404(7)); or
- (b) Recreation Facilities, Commercial (see §404(7)).

(4) Agricultural Preservation District Conditional Uses (see Criteria in Part 6).

- (a) Surface Mining (see §404(7)).

(5) Agricultural Preservation District Height and Coverage Requirements.

- (a) Maximum Building Height:

Agricultural Operation: 45 ft.

All Other Uses: 35 ft.

(b) Maximum Impervious Coverage:

Agricultural Operation: 40%

Agricultural Business: 60%

All Other Uses: 50%

(c) Maximum Building Coverage:

Agricultural Operation: 20%

Agricultural Business: 40%

All Other Uses: 30%

(Ordinance No. 20-5, adopted August 3, 2020)

(6) Agricultural Preservation District Areas and Dimensions.

(a) Agricultural Operation; Animal Kennel; and Riding Stable, Commercial.

(1) Minimum Lot Size: 10 acres

(2) Minimum Lot Width: 200 ft.

(3) 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) 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.

(4) Requirement for Agricultural Buildings Exceeding 10,000 Square Feet in Area. Applicants for new agricultural buildings exceeding 10,000 square feet in area shall submit a site plan for approval in accord with the Buffalo Township Subdivision and Land Development Chapter. The plan shall

in particular address storm water management and truck access to the building site.

(5) Minimum Yards:

Front: 50 ft.  
Side: 50 ft.  
Rear: 50 ft.

(b) Agricultural Business; Animal Hospital; Bed & Breakfast Inn; Dwelling, Seasonal; Dwelling, Single Family Detached; Dwelling, Two Family; Hunting or Fishing Club; Public or Quasi-Public Use; Recreation Facility, Commercial; Recreation Facility, Public; and Surface Mining.

(1) Minimum Lot Area: 1 acre

(2) Minimum Lot Width: 100 ft.

(3) Minimum Yards:

Front: 25 ft.  
Side: 10 ft.  
Rear: 20 ft.

(7) Limitations With Respect to Non-Agricultural Development Uses in the Agricultural Preservation District. Non-Agricultural Development Uses in the Agricultural Preservation District shall be subject to the following limitations and standards:

(a) Maximum Acres Allocated To Non-Agricultural Development Uses. The number of acres of non-agricultural development permitted in the Agricultural Preservation District after July 6, 1992 shall be based on the size of the Core Farm Tract in accord with the following schedule and standards.

<u>Size (Acres) of Core Farm Tract As of July 6, 1992</u>	<u>Total Number of Acres of Non-Agricultural Development Permitted</u>
1-5 Acres	1
> (greater than) 5 up to 15	2
> 15 up to 30	3
> 30 up to 50	4
Over 50	5 acres plus 1 acre for each additional 20 acres over 50 acres

(b) The property owner shall consider using the least agriculturally productive land feasible for new non-agricultural development uses, so as to minimize interference with agricultural production on prime agricultural lands (USDA Class I, II, and III).

(Ordinance No. 09-64, adopted December 7, 2009)

(c) As noted in §404(7)(a), the lot size (acres) existing in the Core Farm Tract shall be the number of contiguous acres owned by the same person, persons or entity as of July 6, 1992. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels shall be disregarded for the purpose of determining if acres are contiguous.

(d) Owners of the Core Farm Tract are urged to consider techniques to minimize the effects of new non-agricultural development on agricultural operations including use of least productive soils, maximizing distance from livestock operations, contiguous lot placement using a common access, or other methods. In addition, innovative arrangements involving clustering of units and DEP approved sewage disposal alternatives may be considered when suitable legal arrangements are implemented by the applicant.

(e) This §404(7) shall not apply to PSES installation, provided the area utilized for PSES is not subdivided and ownership is transferred. (Ordinance No. 20-5, adopted August 3, 2020)

(8) Division of Land for Agricultural Operations in the Agricultural Preservation District.

(a) A property owner submitting a subdivision plan for any purpose involving an agricultural operation will be required to specify on his plan which lot or lots carry with them the right to erect or place any unused quota of acres for non-agricultural development his tract may have.

(b) The property owner shall also be required to assign for each lot created for a new agricultural operation at least one acre for a farm dwelling and to demonstrate that the lot can be approved as a location for the placement of a farm dwelling unit unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling.

(9) Agricultural Nuisance Disclaimer in the Agricultural Preservation District. The following notation shall be affixed to all subdivision plans and to deeds for newly created parcels in the Agricultural Preservation District:

“Lands within the Agricultural Preservation District are used for commercial agricultural production. Owners, residents, and other users of this property may be

subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 33 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations."

Failure to comply with this section by not placing this nuisance disclaimer in any subdivision plan or deed for parcel in the Agricultural Preservation District, shall in no way be construed as a waiver, restriction or limitation of any rights to utilize land in the Agricultural Preservation District under any applicable federal, state, or local laws, including permitted agricultural uses under this Chapter.

**§405. Rural Residential District.**

(1) Rural Residential District Permitted Uses.

- (a) Accessory Uses or Structures (see §502);
- (b) Agricultural Operations (see §404(6)(a)(3));
- (c) Animal Hospital (see §603);
- (d) Bed & Breakfast Inn (see §605);
- (e) Campground;
- (f) Cluster Subdivisions;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (g) Commercial Kennel;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (h) Communication Antennae and Equipment Buildings (see §607);
- (i) Cultivation of Crops (no permit required);
- (j) Day Care Center;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (k) Domestic Livestock (see §502);  
(Ordinance No. 18-02, adopted November 5, 2018)



- (l) Dwelling, Multiple Family;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (m) Dwelling, Seasonal; Hunting or Fishing Club;
- (n) Dwelling, Single Family Detached;
- (o) Dwelling, Townhouse;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (p) Dwelling, Two-Family;
- (q) Essential Services (no permit required);
- (r) Family Based Group Home (see §610);
- (s) Family Day Care Home (see §614);
- (t) Forestry Activities (no permit required);
- (u) Home Based Business;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (v) Home Occupation (see §614);
- (w) No Impact Home Based Business (see §618);
- (x) Professional Office;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (y) Recreation Facility, Public;
- (z) Restaurant;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (aa) Riding Stable, Private;  
(Ordinance No. 09-64, adopted December 7, 2009)
- (bb) Principal Solar Energy System (see §623).  
(Ordinance No. 20-5, adopted August 3, 2020)
- (cc) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

(2) Rural Residential District Special Exception Uses (see Criteria in Part 6).

- (a) Agricultural Business;
- (b) Automotive Repair, Sale, Service and Convenience Market; or  
(Ordinance No. 17-01, adopted June 5, 2017)
- (c) Public and Quasi-Public Uses.

(3) Rural Residential District Density and Height Standards.

- (a) Maximum density shall not exceed one (1) dwelling unit per acre.  
(Ordinance No. 09-64, adopted December 7, 2009)
- (b) Maximum Impervious Surface: 40%
- (c) Maximum Building Coverage: 20%
- (d) Maximum Building Height: 35 ft.

(4) Rural Residential District Areas and Dimensions.

(a) Agricultural Business; Bed & Breakfast Inn; Day Care Center; Dwelling, Multi-Family; Dwelling, Seasonal; Dwelling, Single Family Detached; Dwelling, Two-Family; Hunting or Fishing Club; Recreation Facility, Public; and Restaurant.

(1) Minimum Lot Area: 1 acre

(Ordinance No. 09-64, adopted December 7, 2009)

(2) Minimum Lot Width: 200 ft.

(Ordinance No. 09-64, adopted December 7, 2009)

(3) Minimum Yards:

Front: 25 ft.

Side: 10 ft.

Rear: 20 ft.

(b) Animal Hospital; Professional Office; and Public or Quasi-Public Use.

(1) Minimum Lot Area: 40,00 sq. ft.

(2) Minimum Lot Width: 200 ft.

(3) Minimum Yards:

Front: 40 ft.  
Side: 20 ft.  
Rear: 20 ft.

(c) Agricultural Operation and Campground.

(1) Minimum Lot Area: 10 acres

(2) Minimum Lot Width: 200 ft.

(3) Minimum Yards for Dwelling:

Front: 25 ft.  
Side: 10 ft.  
Rear: 20 ft.

(4) Minimum Yards for all other structures: 100 ft.

(d) Cluster Subdivision.

(1) Minimum Areas and Dimensions: See the Cluster Development regulations in Part 6 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

(2) Water and Sewage Facilities: The development must be served by central water and central sanitary sewage facilities.

(Ordinance No. 09-64, adopted December 7, 2009)

(e) Townhouses.

(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.

(2) Minimum tract size for a development: 3 acres

(3) Minimum Yards:

Front: 25 ft.

Side: Zero (between units)

40 ft. (between buildings)

Rear: 30 ft.

(4) Water and Sewage Facilities: The development must be served by central water and central sanitary sewage facilities.

(Ordinance No. 09-64, adopted December 7, 2009)

**§406. Village District.**

(1) Village District Permitted Uses.

(a) Accessory Uses or Structures (see §502);

(b) Animal Hospital (see §603);

(c) Automotive Repair Facility, Sales Facility, Service Station, and Convenience Market;

(Ordinance No. 17-01, adopted June 5, 2017)

(d) Bed & Breakfast Inn (see §605);

(e) Cluster Subdivision;

(Ordinance No. 17-01, adopted June 5, 2017)

(f) Communication Antennae and Equipment Buildings (see §607);

(g) Cultivation of Crops (no permit required);

(h) Day Care Center;

(Ordinance No. 17-01, adopted June 5, 2017)

(i) Dwelling, Multiple Family;

(Ordinance No. 17-01, adopted June 5, 2017)

(j) Dwelling, Single Family Detached;

(k) Dwelling, Townhouse;

(Ordinance No. 17-01, adopted June 5, 2017)

- (l) Dwelling, Two-Family;
- (m) Essential Services (no permit required);
- (n) Family Based Group Home (see §610);
- (o) Family Day Care Home (see §614);
- (p) Forestry Activities (no permit required);
- (q) Funeral Home;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (r) Home Based Business;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (s) Home Occupation (see §614);
- (t) Neighborhood Retail;
- (u) No Impact Home Based Business (see §618);
- (v) Nursing or Retirement Home, Assisted Living Facility;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (w) Professional Office;
- (x) Recreation Facility, Public;
- (y) Restaurant;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (z) Retail, Office, Service Use, or Rental Storage;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (aa) Riding Stable, Private; or  
(Ordinance No. 09-64, adopted December 7, 2009)
- (bb) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

(2) Village District Special Exception Uses (see Criteria in Part 6).

- (a) Agricultural Business; or

(b) Public and Quasi-Public Uses;

(3) Village District Density and Height Requirements.

(a) Maximum density shall not exceed four (4) dwelling units per acre.

(b) Maximum Impervious Surface: 50%

(c) Maximum Building Coverage: 30%

(d) Maximum Building Height: 35 feet

(4) Village District Areas and Dimensions.

(a) Single Family Detached Dwelling.

(1) Minimum Lot Area:

On-Lot Sewer and Water: 1 acre

Central Sewer: 10,890 sq. ft.

(2) Minimum Lot Width:

On-Lot Sewer and Water: 100 ft.

Central Sewer: 80 ft.

(3) Minimum Yards:

Front: 25 ft.

Side: 10 ft. (principal structure)

6 ft. (accessory structure)

Rear: 20 ft. (principal structure)

6 ft. (accessory structure)

(Ordinance No. 21-03, adopted December 6, 2021)

(b) Two-Family Dwelling.

(1) Minimum Lot Area: 10,890 sq. ft.

(2) Minimum Lot Width: 80 ft.

(3) Minimum Yards:

Front: 25 ft.

Side: 10 ft. (principal structure)

6 ft. (accessory structure)  
Rear: 20 ft. (principal structure)  
6 ft. (accessory structure)

(4) Sewage Facilities: The dwelling must be served by central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(c) Duplex.

(1) Minimum Lot Area: 5,445 sq. ft. (per dwelling unit)

(2) Minimum Lot Width: 40 ft. (per dwelling unit)

(3) Minimum Yards:

Front: 25 ft.  
Side: 10 ft. (principal structure)  
6 ft. (accessory structure)  
Zero (between units)  
Rear: 20 ft. (principal structure)  
6 ft. (accessory structure)

(4) Sewage Facilities: The duplex must be served by central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(d) Agricultural Business; Animal Hospital; Automotive Repair Facility, Sales Facility, Service Station, Convenience Market; Bed & Breakfast Inn; Day Care Center; Funeral Home; Professional Office; Neighborhood Retail; Office Park; Public and Quasi-Public Uses; Restaurant; Recreation Facility, Public; and Retail, Office, Service Use, or Rental Storage.

(1) Minimum Lot Area: 1 acre

(2) Minimum Lot Width: 150 ft.

(3) Minimum Yards:

Front: 40 ft.  
Side: 20 ft.  
Rear: 20 ft.

(Ordinance No. 21-03, adopted December 6, 2021)

(e) Multi-Family Dwelling and Nursing or Retirement Home; Assisted Living Facility.

(1) Minimum Lot Area: 3 acres

(2) Minimum Lot Width: 300 ft.

(3) Minimum Yards:

Front: 50 ft.

Side: 20 ft.

Rear: 20 ft.

(Ordinance No. 21-03, adopted December 6, 2021)

(f) Townhouses.

(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.

(2) Minimum tract size for development: 3 acres

(3) Minimum Yards:

Front: 25 ft.

Side: Zero (between units)

40 ft. (between buildings)

Rear: 30 ft.

(4) Water and Sewage Facilities: The development must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)



(g) Cluster Subdivision.

(1) Minimum Areas and Dimensions: See the Cluster Development regulations in Part 6 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

(2) Water and Sewage Facilities: The development must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

**§407. Commercial and Manufacturing District.**

(1) Commercial and Manufacturing District Permitted Uses.

(a) Accessory Uses or Structures (see §502);

(b) Agricultural Operation (see §404(6)(a)(3));

(c) Agricultural Business;

(d) Animal Hospital (see §603);

(e) Automotive Repair Facility, Sales Facility, Service Station, Convenience Market (see §604);

(f) Bed & Breakfast Inn (see §605);

(g) Communication Antennae and Equipment Buildings (see §607);

(h) Communication Tower (Height 100 Feet or Less) (see §607);

(i) Communication Tower (Height Greater Than 100 Feet);

(Ordinance No. 17-01, adopted June 5, 2017)

(j) Cultivation of Crops (no permit required);

(k) Day Care Center;

(Ordinance No. 17-01, adopted June 5, 2017)

(l) Domestic Livestock (see §502);

(Ordinance No. 18-02, adopted November 5, 2018)

(m) Essential Services (no permit required);

- (n) Family Based Group Home (see §610);
- (o) Family Day Care Home (see §614);
- (p) Forestry Activities (no permit required);
- (q) Home Based Business;
- (r) Home Occupation (see §614);
- (s) Hotel/Motel;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (t) Industrial Park;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (u) Junkyard or Salvage Yard;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (v) Light Manufacturing;
- (w) Manufacturing, Warehousing, Laboratory, Trucking Terminal;
- (x) Medical Marijuana Grower/Processor and Medical Marijuana Dispensary  
(see §407(5)(f));  
(Ordinance No. 17-05, adopted August 7, 2017)
- (x) No Impact Home Based Business (see §618);
- (y) Nursing or Retirement Home, Assisted Living Facility;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (z) Professional Office;
- (aa) Recreation Facility, Commercial;
- (bb) Restaurant;
- (cc) Retail, Office, Service Use, or Rental Storage;
- (dd) Riding Stable, Commercial;
- (ee) Riding Stable, Private;  
(Ordinance No. 09-64, adopted December 7, 2009)

(ff) Principal Solar Energy System (see §623);  
(Ordinance No. 20-5, adopted August 3, 2020)

(gg) Billboard of Off Premises Advertising Sign (see §514); or  
(Ordinance No. 21-03, adopted December 6, 2021)

(hh) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

(2) Commercial and Manufacturing District Special Exception Uses (see Criteria in Part 6).

(a) Adult Entertainment Uses; or

(b) Public and Quasi-Public Uses.

(3) Commercial and Manufacturing District Conditional Uses (see Criteria in Part 6).

(a) Corrective/Penal Facility;

(b) Group Care Facility;

(c) Municipal Waste Landfill;

(d) Shopping Center;

(e) Solid Waste Transfer Facility; or

(f) Surface Mining.

(4) Commercial and Manufacturing District Height and Coverage Requirements.

(a) Maximum Building Height: 45 ft.

(b) Maximum Impervious Coverage: 60%

(c) Maximum Building Coverage: 40%

(5) Commercial and Manufacturing District Areas and Dimensions.

(a) Adult Entertainment; Agricultural Business; Animal Hospital; Automotive Repair Facility, Sales Facility, Service Station, Convenience Market; Bed & Breakfast Inn; Day Care Center; Professional Office; Public and Quasi-Public Uses; Recreation Facility, Commercial; Restaurant; and Retail, Office, Service Use, or Rental Storage.

(1) Minimum Lot Acre: 1 acre

(2) Minimum Lot Width: 200 ft.

(3) Minimum Yards:

Front: 40 ft.

Side: 20 ft.

Rear: 20 ft.

(b) Corrective/Penal Facility; Municipal Waste Landfill; Waste Storage and Industrial Park.

(1) Minimum Lot Area: 100 acres (exclusive of floodplain areas)

(2) Minimum Lot Width: 500 ft.

(3) Minimum Yards: 100 ft.

(c) Shopping Center; Office Park; and Junkyard or Salvage Yard.

(1) Minimum Lot Area: 10 acres

(2) Minimum Yards:

Front: 80 ft.

Side: 20 ft.

40 ft. (abutting a residential use)

Rear: 20 ft.

40 ft. (abutting a residential use)

(d) Agricultural Operation; Surface Mining; and Riding Stable.

(1) Minimum Lot Area: 10 acres

(2) Minimum Yards: 100 ft.

(e) Group Care Facility; Light Manufacturing; Manufacturing, Warehousing, Laboratory, Trucking Terminal; Solid Waste Transfer Station; and Trucking Terminal or Distribution Center.

(1) Minimum Lot Area: 2 acres

(2) Minimum Lot Width: 200 ft.

(3) Minimum Yard:

Front: 40 ft.

Side: 20 ft.

Rear: 20 ft.

(f) Medical Marijuana Grower/Processor and Medical Marijuana Dispensary Standards.

(1) Medical Marijuana Grower/Processor and Medical Marijuana Dispensaries shall meet the following minimum lot and yard requirements:

(a) Minimum Lot Area: 2 acres

(b) Minimum Lot Width: 200 ft.

(c) Minimum lot requirements, maximum impervious, maximum building coverage and height shall be those of the underlying district regulations as amended from time to time.

(d) Minimum setbacks:

Front: 70 ft.

Side: 60 ft.

100 ft. (abutting a residential use)

Rear: 60 ft.

100 ft. (abutting a residential use)

(e) Additional buffer, setback requirements:

(1) A setback of 1,000 feet from any public or private school, day care, house of worship, public recreation or public playground.

(f) Parking facilities and loading/unloading facilities shall be designed to meet the applicable requirements for setback, screening, lighting and number of spaces as set forth in this Zoning Chapter.

(2) Applicant shall provide proof of compliance with the provisions of the Pennsylvania Medical Marijuana Act 16, as amended from time to time or replaced when applying for a Zoning Permit. All documents, letters, applications, permits, forms or certificates provided as evidence of compliance shall be certified or bear a seal and signature of an individual certifying their authenticity.

(a) The applicant shall complete an application form provided by the Township and submit a fee, as established by the Township from time to time for the permit to the Zoning Officer for review of compliance with the applicable Township Ordinances.

(b) In the event the applicant cannot provide evidence of compliance with the provisions of the Pennsylvania Medical Marijuana Act at the time of submission of an application for a Zoning Permit due to the procedure of the Commonwealth of Pennsylvania agency or agencies administering the Medical Marijuana Act, the applicant may provide, at the time of the submission of the application for a Zoning Permit and the payment of the fee, a signed statement, prepared by the Township, acknowledging that the said evidence of compliance has not been provided and that any Zoning Permit issued shall be conditioned upon applicant providing said evidence of compliance within 180 days of the submission of the said application. Should applicant fail to provide the zoning officer with said evidence of compliance within the said 180 days, any Zoning Permit issued shall be automatically revoked and the Zoning Officer shall provide notice of the same to the applicant. No improvements shall be made, nor business conducted until such time as said evidence of compliance has been provided to the Zoning Officer.

The said application fee shall not be refunded, and applicant shall be responsible for the cost of preparing the said statement.

(c) No building or structure shall be occupied, nor shall any business be conducted without first obtaining an Occupancy Permit.

(3) The applicant may be required to have a Subdivision and/or Land Development Plan approved by the Township in accordance with the Subdivision and Land Development Chapter of Buffalo Township of Union County, Pennsylvania. Approval of a Subdivision and/or Land Development Plan shall not constitute approval for the purpose of growing, processing or dispensing Medical Marijuana, said use being contingent upon compliance with the provisions of this Part.

(4) In the event the applicant complies with all of the provisions of this Part and the Subdivision and Land Development Chapter and a Zoning Permit is issued, applicant or his/her/its heir, executor, administrator, successor and assigns shall keep and maintain all licenses, permits and authorizations required in full force and effect and, should the applicant or his/her/its heir, executor, administrator, successor and assigns fail to do so, the said Zoning Permit shall be automatically revoked and the Zoning Officer shall provide notices of the same.

(Ordinance No. 17-05, adopted August 7, 2017)

**§408. Urban Fringe District.**

(1) Permitted Uses in the Urban Fringe District.

(a) Accessory Use or Structure (see §502);

(b) Animal Hospital (see §603);

(c) Automotive Repair Facility, Sales Facility, Service Station and Convenience Market;

(Ordinance No. 17-01, adopted June 5, 2017)

(d) Bed & Breakfast Inn (see §605);

(e) Cluster Subdivision;

(Ordinance No. 17-01, adopted June 5, 2017)

(f) Communication Antennae and Equipment Buildings (see §607);

(g) Cultivation of Crops (no permit required);

(h) Day Care Center;

(Ordinance No. 17-01, adopted June 5, 2017)

(i) Domestic Livestock (see §502);

(Ordinance No. 18-02, adopted November 5, 2018)

(j) Dwelling, Multiple Family;

(Ordinance No. 17-01, adopted June 5, 2017)

(k) Dwelling, Single Family Detached;

(l) Dwelling, Townhouse;

(Ordinance No. 17-01, adopted June 5, 2017)

(m) Dwelling, Two-Family;

(n) Essential Services (no permit required);

(o) Family Based Group Home (see §610);

(p) Family Day Care Home (see §614);

- (q) Forestry Activities (no permit required);
- (r) Funeral Home;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (s) Home Based Business;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (t) Home Occupation (see §614);
- (u) Light Manufacturing;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (v) Neighborhood Retail;
- (w) No Impact Home Based Business (see §618);
- (x) Nursing or Retirement Home, Assisted Living Facility;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (y) Professional Office;
- (z) Recreation Facility, Commercial;
- (aa) Recreation Facility, Public;
- (bb) Restaurants;
- (cc) Retail, Office, Service Use, or Rental Storage;  
(Ordinance No. 17-01, adopted June 5, 2017)
- (dd) Riding Stable, Private; or  
(Ordinance No. 09-64, adopted December 7, 2009)
- (ee) Small Cell Wireless Facility (see §626).  
(Ordinance No. 22-3, adopted February 7, 2022)

(2) Special Exception Uses in the Urban Fringe District (see Criteria in Part 6).

- (a) Mobile Home Park; or
- (b) Public and Quasi-Public Uses.



(3) Conditional Uses in the Urban Fringe District (see Criteria in Part 6).

- (a) Hotel/Motel;
- (b) Office Park; or
- (c) Shopping Center.

(4) Density and Height Requirements in the Urban Fringe District.

(a) Maximum density shall not exceed six (6) dwelling units per acre, except for Townhouses and Multi-Family dwellings which shall not exceed twelve (12) dwelling units per acre.

- (b) Maximum Impervious Surface: 50%
- (c) Maximum Building Coverage: 40%
- (d) Maximum Building Height: 45 ft.

(5) Urban Fringe District Areas and Dimensions.

(a) Single Family Detached Dwelling.

(1) Minimum Lot Area:

On-lot sewer and water: 1 acre  
Central sewer: 7,000 sq. ft.

(2) Minimum Lot Width:

On-lot sewer and water: 100 ft.  
Central sewer: 80 ft.

(3) Minimum Yards:

Front: 25 ft.  
Side: 10 ft. (principal structure)  
6 ft. (accessory structure)  
Rear: 20 ft. (principal structure)  
6 ft. (accessory structure)

(Ordinance No. 21-03, adopted December 6, 2021)

(b) Two-Family Dwelling.

(1) Minimum Lot Area: 7,000 sq. ft.

(2) Minimum Lot Width: 80 ft.

(3) Minimum Yards:

Front: 25 ft.

Side: 10 ft. (principal structure)

6 ft. (accessory structure)

Rear: 20 ft. (principal structure)

6 ft. (accessory structure)

(4) Water and Sewage Facilities: The dwelling must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(c) Duplex.

(1) Minimum Lot Area: 3,500 sq. ft. (per dwelling unit)

(2) Minimum Lot Width: 40 ft. (per dwelling unit)

(3) Minimum Yards:

Front: 25 ft.

Side: 10 ft. (principal structure)

6 ft. (accessory structure)

Rear: 20 ft. (principal structure)

6 ft. (accessory structure)

(4) Water and Sewage Facilities: The duplex must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(d) Animal Hospital; Automotive Repair, Sales, Service, Convenience Market; Bed & Breakfast Inn; Day Care Center; Funeral Home; Neighborhood Retail; Professional Office; Public or Quasi-Public Use; Recreation Facility, Commercial; Recreation Facility, Public; and Retail, Office, Service Use, or Rental Storage.

(1) Minimum Lot Area: 1 acre

(2) Minimum Lot Width: 150 ft.

(3) Minimum Yards:

Front: 40 ft.

Side: 20 ft.

Rear: 20 ft.

(Ordinance No. 21-03, adopted December 6, 2021)

(e) Townhouses.

(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.

(2) Minimum tract size for a development: 3 acres

(3) Minimum Yards:

Front: 25 ft.

Side: Zero (between units)

40 ft. (between buildings)

Rear: 30 ft.

(4) Water and Sewage Facilities: The development must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(f) Group Care Facility; Hotel/Motel; Multi-Family Dwellings.

(1) Minimum Lot Area: 3 acres

(2) Minimum Lot Width: 300 ft.

(3) Minimum Yards:

Front: 50 ft.  
Side: 20 ft.  
Rear: 30 ft.

(4) Minimum Building Separation: 30 ft.

(Ordinance No. 21-03, adopted December 6, 2021)

(g) Shopping Center and Office Park.

(1) Minimum Lot Area: 2 acres

(2) Minimum Yards:

Front: 80 ft.  
Side: 20 ft.  
Rear: 40 ft. (abutting a residential use)  
20 ft.

(Ordinance No. 21-03, adopted December 6, 2021)

(h) Mobile Home Park.

(1) Minimum Park Area: 10 acres

(2) Minimum Lot Width: 500 ft.

(3) Minimum Yards for Site Perimeter:

Front: 80 ft.  
Side: 40 ft.  
Rear: 40 ft.

(4) Mobile Home Park – Individual Lots.

(a) Minimum Lot Area: 5,000 sq. ft.

(b) Minimum Lot Width: 50 ft.

(c) Minimum Yards:

Front: 20 ft.  
Side: 5 ft.  
Rear: 5 ft.

(5) Water and Sewage Facilities: The park must be served by central water and central sanitary sewer facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(i) Light Manufacturing; Nursing or Retirement Home; Assisted Living Facility.

(1) Minimum Lot Area: 10 acres

(2) Minimum Yards:

Front: 80 ft.

Side: 40 ft.

Rear: 40 ft.

(3) Water and Sewage Facilities: The above uses must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

(j) Cluster Subdivision.

(1) Minimum Areas and Dimensions: See the Cluster Development regulations in Part 6 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

(2) Water and Sewage Facilities: The development must be served by central water and central sanitary sewage facilities.

(Ordinance No. 21-03, adopted December 6, 2021)

**Buffalo Township Schedule of Uses**

KEY: P - Permitted Use, SE: Special Exception Use, CU - Conditional Use

**ZONING DISTRICTS**

USES	Public Land		Woodland		Agricultural		Rural		Village		Commercial		Urban	
	Preserv.	Preserv.	Preserv.	Preserv.	Preserv.	Residential	Residential	Residential	Residential	Manuf	Manuf	Fringe	Fringe	
<b>A</b> Accessory Uses or Structures	P		P		P		P		P		P		P	
Adult Entertainment Establishment											SE			
Agricultural Operation		P		P		P		P			P		P	
Agricultural Business					P	SE		SE			P		P	
Animal Hospital					P	P		P			P		P	
Automotive Repair, Sales, Service, Convenience Market						SE		P			P		P	
<b>B-C</b> Bed & Breakfast Inn				P		P		P			P		P	
Billboard or Off Premises Advertising Sign											P			
Campground		P		P		P		P						
Cluster Subdivision						P		P			P		P	
Commercial Kennel				P		P		P						
Communications Antennae & Equipment Buildings		P		P		P		P			P		P	
Communication Tower (Height 100 Feet or Less)				P		P		P			P		P	
Communication Tower (Height Greater Than 100 ft.)				P		P		P			P		P	
Corrective/Penal Facility											CU			
Cultivation of Crops (no permit required)		P		P		P		P			P		P	
<b>D</b> Day Care Center								P			P		P	
Domestic Livestock		P		P		P		P			P		P	
Dwelling, Multiple Family								P			P		P	
Dwelling, Multi-Family In Existing Farm (Dwelling)														
Dwelling, Seasonal (Hunting or Fishing Club)		P		P		P		P						
Dwelling, Single Family Detached		P		P		P		P			P		P	
Dwelling, Townhouse								P			P		P	
Dwelling, Two Family		P		P		P		P					P	
<b>E-G</b> Essential Services (No permit required)		P		P		P		P			P		P	
Family Based Group Home								P			P		P	
Family Day Care Home		P		P		P		P			P		P	
Forestry		P		P		P		P			P		P	
Funeral Home											P		P	
Group Care Facility											CU			

**Buffalo Township Schedule of Uses**

KEY: P - Permitted Use, SE: Special Exception Use, CU - Conditional Use

**ZONING DISTRICTS**

USES	Public Land		Woodland		Agricultural		Rural		Village		Commercial		Urban	
	Preserv.	Preserv.	Preserv.	Preserv.	Residential	Residential	Residential	Residential	Manuf	Manuf	Fringe	Fringe	Fringe	Fringe
<b>H-L</b>														
Home Based Business			P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation			P	P	P	P	P	P	P	P	P	P	P	P
Hotel/Motel												P	P	CU
Industrial Park												P		
Junkyard or Salvage Yard												P		
Light Manufacturing												P	P	P
<b>M-N</b>														
Manufacturing, Warehousing, Laboratory, Trucking Terminal												P		
Medical Marijuana Grower/Processor and/or Dispensary												P		
Mobile Home Park														SE
Municipal Waste Landfill												CU		
Neighborhood Retail												P	P	P
No Impact Home Based Business			P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Retirement Home, Assisted Living Facility												P	P	P
<b>O-R</b>														CU
Office Park														
Principal Solar Energy System											P	P	P	
Professional Office											P	P	P	P
Public or Quasi-Public Uses			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Recreation Facility, Commercial											SE	P		
Recreation Facility, Public			P	P	P	P	P	P	P	P	P	P	P	P
Restaurant											P	P	P	P
Retail, Office, Service Uses, Rental Storage												P	P	P
Retail, Office, Service Uses or Restaurant by Farm Owner Operator											P			
Riding Stable, Commercial											P	P	P	
Riding Stable, Private			P	P	P	P	P	P	P	P	P	P	P	P
Shopping Center													CU	CU
Small Cell Wireless Facility			P	P	P	P	P	P	P	P	P	P	P	P
Solid Waste Transfer Facility												CU	CU	
Surface Mining											CU	CU	CU	CU

## CHAPTER 27

### ZONING

#### Part 5

#### Supplemental Lot Regulations

##### **§501. Access to Structures.**

(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 section. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(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.

(3) Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

**§502. Accessory Uses and Structures.** Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Chapter and shall comply with the following limitations:

(1) Fences, walls or plantings may be constructed in required yards provided that:

(a) The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in §507).

(b) Fences, 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.

(c) If applicable, compliance with Township floodplain regulations (see Part 7) shall be maintained.

(d) A zoning permit is not required for any fence designated for agricultural purposes.



(2) A detached garage, greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed the Maximum Building Height allowed for the District and when located in the Village, Urban Fringe or Rural Residential Districts or on a lot 1 acre or less in size, shall not be located in the front yard of the principal building. The door opening for a garage or storage building shall not exceed 15 ft. in height. Accessory structures shall be separated a minimum of ten (10) feet from any structure and shall comply with the minimum yards for the zoning district in which the property is located. A single storage building 160 sq. ft. or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks.

Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirement provided that they do not occupy more than 160 sq. ft. of area.

(Ordinance No. 09-64, adopted December 7, 2009)

(3) Swimming Pools.

(a) Locations. The swimming pool shall be located only in the rear or side yard of the principal building. All pools shall be located no closer than fifteen (15) feet to the side or rear lot lines, and no closer than twenty-five (25) feet to the front lot line.

(b) Enclosure and Access Considerations. Swimming pool installations shall be governed under the applicable local, state, and federal ordinances, laws, statutes, rules, regulations and codes.

(c) Temporary pool installation, designed to be removed at the end of the summer season, shall comply with the above standards and shall be exempt from the zoning permit requirement.

(Ordinance No. 09-64, adopted December 7, 2009)

(4) 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.

(5) Sidewalks and driveways may be located with front, rear, and side yards and do not require zoning permits.

(6) Canopies 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.

(7) 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 §515 (Storage of Junk and Certain Vehicles) at all times.

(8) Accessory Apartment. An accessory apartment may be constructed within an existing single family detached dwelling pursuant to the following standards:

(a) The lot upon which an accessory apartment is located shall meet the minimum lot area requirements for a single family detached dwelling set forth in the applicable zoning district.

(b) Accessory apartments may only be authorized for structures which were erected prior to the adoption of this Ordinance. No more than one (1) accessory apartment shall be permitted on a lot.

(c) The habitable floor area of the accessory apartment shall be a minimum of 400 sq. ft. and a maximum of 800 sq. ft., except that the area of the accessory unit shall not exceed 25% of the habitable floor area of the original dwelling.

(d) The architectural treatment of the structure shall be such as to portray the character of the single family attached 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.

(e) One dwelling must be owner occupied.

(f) Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from both the accessory apartment and the existing dwelling. Where connection to a public sewage system cannot be made, certification, from the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface system or a sewerage permit for the installation of a new system shall be submitted as part of an application for an accessory apartment use.

(g) One off-street parking space shall be provided for the accessory apartment in addition to the number required for the existing dwelling (see §510).

(9) Domestic Livestock Uses.

(a) Lot Size Requirements. The minimum lot size required for the zone in which the use is located must be met. In addition, a minimum of one (1) acre of land, exclusive of buildings and impervious surfaces, must be provided for the first two (2) Animal Units

which are housed or pastured on the lot. One (1) additional acre of land shall be provided for each additional Animal Unit, beyond the two (2) permitted on the first acre, which is to be housed or pastured on the lot. Notwithstanding the acreage available for the domestic livestock use, no more than eight (8) individual animals shall be permitted, regardless of size, weight, or species.

The land designated as acreage for each Animal Unit shall be used exclusively for the animal(s) of the domestic livestock use proposed, and such open area shall be maintained entirely in vegetative cover. Wood lots and forested areas shall not be included in the calculation. Further, domestic livestock shall be prohibited, by fencing or other measures, from occupying or grazing within wood lots and forested area.

(b) Setback Requirements. All buildings and structures housing animals, and any buildings or structures used to store feed or other materials used for the Domestic Livestock use shall be located a minimum of thirty-five (35) feet from all property lines, or the setback required by the zone in which the use is located, whichever is greater. A minimum setback of one hundred feet shall be provided between any structure used for the storage of animal wastes and all property lines, existing street right-of-way line, wetlands and waterways.

(c) Fencing Requirements. All animals shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or occupant or an authorized agent of the owner or occupant of the land upon which the use is conducted.

(d) Wetlands and Waterways. No animal shall have direct access to a jurisdictional wetland, impoundment, stream, spring or well on the lot on which the Domestic Livestock use is located. However, stabilized stream crossing areas designed and constructed as such shall be exempted from this requirement.

(e) Enclosed Storage. Animal bedding, feed and waste must be stored in a fully enclosed structure which shall be located a minimum of one hundred (100) feet from any property line, existing street right-of-way line, wetland or waterway. Animal waste shall be removed in accordance with the following schedule:

- Public Land Preservation – every 4 months
- Woodland Preservation – every 4 months
- Agricultural Preservation – every 4 months
- Rural Residential – every 2 months
- Commercial Manufacturing – every 2 months
- Urban Fringe – every 2 months

(f) Nuisance Effect. The use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines of the

parcel upon which the use is located, unless otherwise provided in an ordinance of the Township.

(g) Conversion. Conversion of a Domestic Livestock use to a more intense, commercial livestock operation shall not be permitted. No conversion of Domestic Livestock use to any other principal or accessory use shall be permitted unless such use complies with all ordinance and permitting requirements in force and effect at the time such conversion is applied for.

(h) Compliance with Other Regulations. The proposed use shall comply with all applicable State, Federal and local regulations, including, but not limited to, nutrient management, building codes, erosion and sedimentation control and storm water management, as well as, standards for signs, lighting, parking and access.

(i) Sewer System. No Domestic Livestock shall be permitted on top of where an on-lot sanitary sewer system is located.

(Ordinance No. 18-02, adopted November 5, 2018)

(10) Accessory Residential Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems accessory to a residential use of no more than four (4) residential units shall be located in rear and side yards and shall be at least fifteen feet (15') from all side and rear property lines, with a maximum height of eight feet (8').

(Ordinance No. 20-5, adopted August 4, 2020)

(11) All Other Accessory Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems, other than those set forth in §502(10), shall comply with the following:

(a) Glare

(1) All solar photovoltaic cells shall be treated with an anti-reflecting coating in accordance with the highest industry standards.

(2) The system shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.

(b) The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The layout, design and

installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

(c) The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

(d) No portion shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment provided they comply with the prevailing sign regulations.

(e) No trees or landscaping required by state, federal or Township statutes, laws, ordinances rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

(f) The owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than three (3) days after the inquiry or complaint was filed.

(g) Owners shall maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

(h) A Contingency Plan of Emergency Procedures shall be developed by the facility owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the facility is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

(i) Decommissioning

(1) The owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of operations of the facility, the facility shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

(2) The owner shall then have six (6) months in which to dismantle and remove the facility including all solar related equipment or appurtenances

related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the facility within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Board of Supervisors may authorize one six (6) month extension for just cause shown by the owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township ordinances.

(j) Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

(k) The owner shall comply with the Township subdivision and land development requirements. The installation and operation of the system shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

(l) The area upon which the system is located shall not exceed forty percent (40%) of the lot or tract not otherwise utilized for structures, driveways, parking lots or other uses and shall be in compliance with all other provisions of Township ordinances.

(m) No facilities shall be located in the front yard and shall comply with the rear and side yard requirements for the zoning district in which it is located.

(n) In all cases, there shall be a minimum distance of thirty feet (30') between the boundary line of the lot or tract upon which the facility is located and any component of the facility, which shall include the required fencing and screening.

(o) Ground mounted facilities shall not exceed ten feet (10') in height as measured vertically from the top of the component and the ground below the component.

(p) Impervious Coverage

(1) The area beneath the ground mounted facilities is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the impervious surface exceeds the permitted

impervious area, the owner shall comply with the said statutes, ordinances, rules and regulations.

(2) The following components shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(b) All mechanical equipment including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(c) Gravel or paved access roads servicing the facility.

(q) Owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

(r) Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(1) Screening shall consist of evergreen trees and shrubs;

(2) Screening shall be installed on the exterior of said fencing:

(a) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.

(b) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(3) The trees or shrubs shall be a minimum of eight feet (8') in height and of sufficient size and placed in such location as to visibly obscure the fence within three (3) years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(4) A screening plan shall be submitted with the application for a land development plan.

(s) In Agricultural Zoning Districts, no more than twenty percent (20%) of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the NRCS Custom Soil Resource Report.

(t) Ground mounted facilities shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any

other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

(u) Security

(1) All ground mounted facilities shall be completely enclosed by an eight foot (8') high fence and all gates shall have locks.

(2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for facilities outside the required screening. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.

(v) Access

(1) An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

(2) Service roads within the area of the facility, at a minimum of sixteen feet (16') width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the facility.

(w) The facilities shall not be artificially lighted except in compliance with all applicable federal, state, or local statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

(x) If a ground mounted facility is removed, the same shall be in accordance with all applicable federal, state and Township statutes, ordinances, statutes, rules and regulations.

(y) The owner shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the owner's expense and shall be submitted with the application for a permit signed by said owner.

(z) The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the facility. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the



Township. The agreement and financial security shall remain in effect until the facility is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the facility or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner within ten (10) days of receiving a bill for the same.

(Ordinance No. 20-5, adopted August 4, 2020)

(12) Small Cottages. Small cottages, as defined in this Chapter 27, shall be permitted as an accessory residential use in the Woodland Preservation (W-P), Agricultural Preservation (A-P), Rural-Residential (R-R), Village (V) and Urban Fringe (UF) Zoning Districts. See Chapter 27, Part 6, Section 624 for a complete list of regulations.

(Ordinance No. 22-1, adopted January 3, 2022)

(13) Accessory Structures for Temporary Residence. Accessory Structures for Temporary Residence, as defined in this Chapter 27, shall be permitted as an accessory residential use in the Woodland Preservation (W-P), Agricultural Preservation (A-P), Rural-Residential (R-R), Village (V) and Urban Fringe (UF) Zoning Districts. See Chapter 27, Part 6, Section 625 for a complete list of regulations. (Ordinance No. 22-1, adopted January 3, 2022)

**§503. Conversion or Replacement of Buildings.**

(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 Chapter. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

(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.

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

**§504. Design Guidelines for Driveways and Access Drives to Streets.** In the preparation of a land development plan and/or zoning permit application, the following standards shall be utilized to minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access.

(Ordinance No. 09-64, adopted December 7, 2009)

(1) Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road or arterial highway. Compliance shall be required with permit requirements of PennDOT (Highway Occupancy Permit) and any driveway, culvert, drainage, or access requirements of Buffalo Township.

(2) Where a driveway is to be installed in conjunction with a proposed use, the Zoning Permit application for that use shall include a scaled drawing showing the location, construction materials and the sight distance proposed for the driveway.

(3) The general layout for driveways shall be such that there will be no need for motorists to back over or into the public street right-of-way. Single and two-family dwelling uses shall be exempt from this requirement.

(4) Driveways shall be constructed of durable, all-weather material and shall be maintained in good condition. The number of driveways shall not exceed two (2) per lot on any one (1) street frontage. Residential lots with less than 200 feet of street frontage shall be limited to one driveway.

(5) Driveways should be located where street alignment and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions.

(6) Driveways shall be designed and constructed in such a manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by a Township official, a drainage pipe shall be installed under the driveway by the property owner. The size or diameter of such pipe shall be established by the appropriate Township official. The pipe shall be maintained and cleaned by the property owner.

(7) All driveways shall provide a stopping or leveling area which extends 20 feet beyond the edge of the road cartway. This leveling area shall not exceed a maximum grade of 4% nor intersect the shoulder of the road so as to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60° and preferably 90°.

(8) Minimum Dimensional Requirements for Driveways. Driveways shall not cross a street right-of-way line within:

(a) 40 feet of the right-of-way line of the intersection of a local street, nor within 100 feet of the right-of-way line of the intersection of a collector road or arterial highway;

(b) Twenty (20) feet of a fire hydrant, catch basin or drainage inlet;

(c) Ten (10) feet of a property line for a driveway serving a non-residential use, nor five (5) feet of a property line for a driveway serving a residential use, unless adjoining property owners mutually agree to a common driveway.

**§505. Exceptions to Height Regulations.** The height limitations of this Chapter shall not apply to church spires, farm structures when permitted by other provisions of this Chapter (i.e., silos, grain bins, elevator legs, etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, nor to chimneys, ventilators, skylights, water tanks, storage silos, utility poles, standards, and necessary mechanical appurtenances usually carried above roof level. The height exceptions shall not apply to any Communications Antennae and Communication Towers.

**§506. Grading and Excavation.**

(1) General. This section is intended to provide the Township with fair and equitable grading practices and shall not supersede the requirements of any other ordinance or code. Compliance shall be maintained with Chapter 102 of Administrative Code, Title 25, "Erosion Control Rules and Regulations" of the Commonwealth of Pennsylvania, as well as any other applicable federal and state laws as amended. In the event there is no Erosion & Sedimentation Control Plan for the site, the following shall apply:

(Ordinance No. 09-64, adopted December 7, 2009)

(2) Grading Responsibilities.

(a) Protection of Utilities. Public utilities or services shall be protected from damage caused by grading or excavation operations.

(b) Protection of Adjacent Property. Adjacent property shall be protected from damage caused by grading operations. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property, without supporting and protecting such property from any damage that might result.

(c) Inspection Notice. The Zoning Officer shall be notified at least 24 hours prior to the start of work.

(d) Temporary Erosion Control. Precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site shall be put in effect. Precautionary measures shall include provisions of properly designated sediment control facilities so that downstream properties are not affected by upstream erosion.

(e) Traffic Control and Protection of Streets. Flaggers, signs, barricades and other safety devices to ensure adequate safety when working in or near public streets shall be provided.

(f) Hazard from Existing Grading. Whenever any existing excavation, embankment or fill has become a hazard to life or limb, endangers structures, or adversely affects the safety, use stability of a public way or drainage channel, such excavation, embankment or fill shall be eliminated.

(g) Tracking of Dirt onto Public Streets. Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.

(h) Maintenance of Waterways. Precautionary measures to protect and maintain the flow of waterways and irrigation canals shall be taken.

(i) Revegetation. The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide rapid, short term

coverage of the slopes as well as long-term permanent coverage. A plan by a registered design professional shall be provided where required by the code official

(3) Design Standards. The grading design standards required herein shall be those found in nationally recognized standards.

**§507. Intersection Visibility.** No obstruction to vision (other than an existing building, post, column, tree, or proposed or existing public utility pole) exceeding thirty (30) inches in height shall be erected, planted, or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street each located fifty (50) feet from the street intersection. All plant material shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

**§508. Mobile Home Placement.** The erection or replacement of mobile homes in the Township shall be governed by any applicable building code (see International Residential Code for One- and Two-Family Dwellings, 2003, as amended). In the event that no building code applies, the following criteria shall be used in order to protect the health, safety, and welfare of the Township residents. The criteria shall apply both to mobile homes placed in mobile home parks and to individual lot installations.

(1) The erection or replacement of mobile homes in the Township shall be governed under the applicable local, state and federal ordinances, laws, statutes, rules, regulations and codes.

(2) Each mobile home shall have a continuous wall around its entire perimeter. The continuous wall may be of concrete or masonry constructed to below the frost line (e.g. permanent foundation) or skirting. Skirting shall be designed to compliment the appearance of the mobile home including material which has been fabricated for the specific purpose of providing a pervious moisture resistant skirting material, and shall not include bales of straw, hay, interior plywood, unfinished wood, or like material.

(Ordinance No. 09-64, adopted December 7, 2009)

**§509. Non-Conforming Lots, Structures, Buildings, and Uses.** Any non-conforming 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 though 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 Chapter to permit these non-conformities to continue until they are removed, discontinued, or abandoned.

(1) Non-conforming Lots, Uses, and Structures.

(a) Non-conforming 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. The variance of setback requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots with common ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements for lot width and area established by this Chapter, the land involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Chapter.

(b) Non-conforming 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 Chapter. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became non-conforming. The use shall not be permitted to change to any use that is different from the non-conforming use and not in compliance with the use regulations for the district where the use is located.

(c) Non-conforming 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 thereafter, may be continued as it exists upon adoption or future amendment of this Chapter. The structure shall not be permitted to change in such a fashion as to make the non-conforming structure a greater non-conformity so as to adversely affect the character of the neighborhood or district in which it is located.

(2) Abandonment. If any non-conforming use or building or structure occupied by a non-conforming 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 non-conforming 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 non-conforming 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 foregoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

(3) Repairs and Reconstruction.

(a) Repairs, non-structural alterations, and other general maintenance may be made to a non-conforming building or structure or a building or structure occupied by a

non-conforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

(b) A non-conforming building or structure or a building or structure occupied by a non-conforming 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;  
and

(4) The reconstruction of a non-conformity located in the 100 year floodplain shall comply with §708 of this Chapter.

(4) Extension or Enlargement.

(a) A non-conforming 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 Township Zoning Officer.

(b) Structural alterations proposed to extend a non-conforming 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 non-conforming 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 non-conforming.

(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 non-conformity 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.

(c) For non-conforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), an expansion not exceeding 25% of the volume or area of the non-conformity which existed at the effective date of this Ordinance may be authorized by the Zoning Hearing Board.

(d) A non-conforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

(e) Any non-conforming building or structure or building or structure occupied by a non-conforming use which is moved for any reason must meet all requirements of the district in which it is located.

(5) Change of Use.

(a) Any non-conforming use may be changed to another non-conforming use by Special Exception 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.

(b) A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

(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 non-conforming aspect of the property.

**§510. 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.

(1) Development and Maintenance of Parking Facilities. Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.



(a) 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 (see §510(1)(i)), or that shared parking facilities are provided in accord with §510(1)(j);

(b) 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 motorist to back over public walkways or rights-of-way, except that single family and double dwellings need not comply with this requirement;

(c) Parking areas shall be a minimum of ten (10) feet from a dwelling and five (5) feet from a public or private street right-of-way, 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 §507).

(d) The parking area shall be constructed on a stabilized base with a suitable all-weather surface, be graded for proper drainage, and maintained in good repair. If more than five (5) spaces are to be provided in a parking area, the surface of the parking area shall be considered as impervious for the purposes of preparing a storm water management plan for the site.

(e) Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'), however lots of eight (8) spaces or more may designate a limited number of compact spaces (8' x 16'); parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21')

(f) Parking areas for all non-residential uses shall be effectively screened on each side that abuts a Residential District or is within 200 feet of 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 this Chapter;

(Ordinance No. 09-64, adopted December 7, 2009)

(g) 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;

(h) 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;

(i) In accordance with Special Exception procedures, the Zoning Hearing Board may authorize the use of an adjacent or nearby lot owned or controlled by the applicant;

(j) The required parking spaces for two or more uses may be shared provided that the Zoning Hearing Board shall determine that the uses have distinct and different peak hour requirements; for example, a use with evening or Sunday hours may share parking with a use that has daytime hours;

(k) Provided that the endorsement of the Township Planning Commission is secured in connection with the land development plan approval, a waiver from §510(1)(d) and §510(1)(f) above may be secured for temporary events that are of an occasional or seasonal nature (limited to no more than 3 times per year), and provided that adequate temporary grass or field off-street parking is provided on the premises. The land development plan or zoning permit application shall show the space dedicated for temporary parking and include:

- (1) A parking calculation to meet the temporary parking requirement;
- (2) Driveways and culvert locations;
- (3) A parking lot layout including aisles and parking rows;
- (4) Notation regarding the devices to be employed to guide motorists in using the facility (e.g. traffic cones, barricades, barrels, temporary fencing, temporary lining, etc.).

(Ordinance No. 09-64, adopted December 7, 2009)

(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**

<b>TYPE OF USE</b>	<b>REQUIRED SPACES – MINIMUM</b>
<b>Residential Uses</b>	
Single Family, Two-Family, Townhouse including Family Based Group Home	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
<b>Institutional Uses</b>	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift
Day Care Center	1 for each 5 students/clients + 1 for each employee
Family Day Care Home	2 for dwelling unit + 2 customer spaces
Group Care Facility	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 ( <u>Ordinance No. 09-64</u> , adopted December 7, 2009)	1 for each 3.5 seats of total facility capacity ( <u>Ordinance No. 09-64</u> , adopted December 7, 2009)
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
<b>Commercial/Retail Uses</b>	
Retail stores or service or repair businesses, including retail agricultural business and shopping centers ( <u>Ordinance No. 09-64</u> , adopted December 7, 2009)	1 for each 300 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift ( <u>Ordinance No. 09-64</u> , adopted December 7, 2009)
Restaurant	1 for each 2.5 total 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
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 Inn	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
<b>Industrial Uses</b>	
Manufacturing, manufacturing type agricultural business, warehousing, industrial surface mining operation, waste storage or processing facility (Ordinance No. 09-64, adopted December 7, 2009)	1 for each employee in the maximum work shift (Ordinance No. 09-64, adopted December 7, 2009)
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
<b>Recreational Use</b>	
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

(3) Off-Street Loading. Every commercial, industrial or other building which requires the receipt of 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

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Gross Floor Area	Minimum Number of Berths
0 – 10,000 sq. ft.	1
10,001 sq. ft. or greater	2

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**§511. Projections into Required Yards.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

(1) Projecting architectural features – Bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than three (3) feet into any required yard nor closer than five (5) feet to any adjacent property line;

(2) Uncovered Stairs;

(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.

**§512. Public Utilities Exempt.** If, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide the present or proposed situation of the building or installation in question is reasonable necessary for the convenience or welfare of the public, the regulations of this Chapter shall not apply to any existing or proposed structure or extension thereof, used or to be used by a Public Utility corporation. The Township Supervisors and Planning Commission members shall receive proper notification of request to a public hearing before the Public Utility Commission.

**§513. Screening and Landscaping.** Screen planting as may be required elsewhere in this Chapter, or where determined to be necessary by the Board of Supervisors or Zoning Hearing Board in a Conditional Use or Special Exception application shall serve as a barrier to visibility, glare, and noise between adjacent properties.

(1) Screening.

(a) Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such size and species as will produce, in two (2) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purposes.

(b) 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.

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

**§514. Signs.**

(1) Sign Policies.

(a) It is the purpose of these provisions to place strict limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.

(b) The regulations of this Chapter relating to signs shall be strictly construed, and signs not specifically permitted by the provisions of this Chapter shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.

(c) It is the intent of these provisions that the signs listed in §514(2) shall be exempt from permitting requirements. Such signs are generally for public service purposes or are temporary or minor in nature.

(d) Regulated signs, which are not exempt from permitting requirements, shall comply with the standards of §514(3).

(2) Exempt Signs – No Permit Required. The following sign types do not require a permit or license and shall not be counted toward the maximum sign area.

(a) Any sign which is less than two (2) square feet in area, or a sign for a home occupation or home business which shall not exceed four (4) square feet in area.

(b) Public Service Sign. A sign located for the purpose of providing traffic safety, a public service message or directions towards or indication of a use not readily visible from a public street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, etc.). Such signs may bear no commercial advertising and shall not exceed four (4) square feet. Civic organization sponsored public service signs and public auction signs shall not be considered commercial advertising.

(c) Community Directory Sign. An accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility which shall not exceed twenty-five (25) square feet in total area if single

faced or fifty (50) square feet if double faced. One such sign, not located upon a public right-of-way, is allowed for each property street frontage.

(d) Memorial signs or tablets and signs denoting the date of erection of building.

(e) The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

(f) Clocks, time and temperature signs and barber poles, provided that they are not larger than twenty-five (25') feet. Any commercial advertisements attached to such structure must be permitted or licensed.

(g) Interior signs.

(h) Temporary Signs.

(1) A zoning permit shall not be required for the placement of a Temporary Sign.

(2) No Temporary Sign shall be placed within ten (10') feet of boundary line of the lot or parcel upon which it is placed, nor within ten (10') feet of any street right-of-way line abutting the lot or parcel upon which it is placed.

(3) Temporary Signs shall not exceed the size or area of permanent signs in the zoning district in which it is placed.

(4) Temporary Signs shall not be placed within any public right-of-way.

(5) Temporary Signs within the clear sight triangle shall not exceed two (2') feet in height.

(6) Temporary Signs shall not be placed upon or attached to utility poles, street sign poles, traffic signs, traffic light poles, trees or similar vertical structures.

(7) Signs offering the sale or rental of the premises upon which the sign is erected, shall be permitted without a permit, provided that not more than one (1) such sign may be erected on the premises to be sold or rented, unless such premises fronts on more than one street, in which case, one (1) sign may be erected on each street frontage.

(8) Temporary Signs for contractors, developers, architects, engineers, builders, artisans and lenders, erected and maintained on the premises where the work is being performed, shall be allowed without a zoning permit.

(9) Signs indicating “No Trespassing”, private use of a road, driveway or premises, or signs controlling fishing or hunting on the said premises, shall be allowed without a permit.

(10) Temporary Signs required by law or any government agency shall be allowed without a zoning permit and shall be posted for a period of time as provided by said law or government agency.

(11) Temporary Signs advertising the sale of farm products produced on the premises or advertising auctions or events of charitable, political or public service groups.

(12) Temporary Business Signs.

(a) A-frame and movable signs are permitted as long as the sign is secured to the ground so as not to become a hazard during windy conditions.

(b) No Temporary Business Sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

(Ordinance No. 20-06, adopted October 5, 2020)

(3) Regulated Signs – Zoning (Sign) Permit Required.

(a) Maximum Sign Area for Regulated Signs. A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of 1½ square feet for each lineal foot of building face parallel or substantially parallel to a street line. See §202 for definition of Sign Area.

(1) Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.

(2) A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft.

(3) There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found below shall be met.



(b) Standards for Regulated Signs.

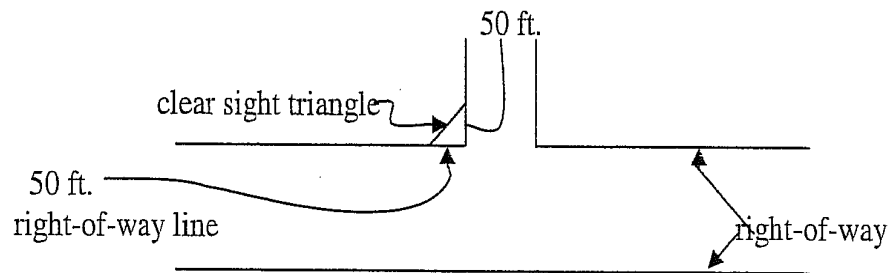
(1) Off Premises Direction Sign. A sign stating the name(s) and directions to a business located off premises (from the sign location). Requirements are as follows:

(a) The maximum sign area for a sign which provides directions to a single business shall be four (4) square feet. The maximum sign area for a sign serving more than one business, regardless of the number of businesses listed on the sign, shall be twenty (20) square feet.

(b) The maximum number of Off Premise Direction signs per business shall not exceed three (3).

(c) Such signs shall not be located upon a public right-of-way, the written permission of the property owner shall be furnished with the permit application.

(d) The direction sign shall comply with the visibility at intersection criteria specified in §507 of this Chapter and shall not be placed in a location which may obstruct the vision of vehicle operators at the intersection (see illustration below).



(e) Only one Off Premises Direction sign shall be permitted on a lot, which shall be allowed in addition to any other sign limitations imposed by this Chapter.

(f) All applicable provisions of the Pennsylvania Outdoor Advertising Control Act of 1971, Act 160 as amended, shall be adhered to where signs are to be erected in areas adjacent to Federal Aid Primary or Interstate Highways as classified by PA DOT (e.g. Route 45). Any individual desiring to erect a sign in these areas shall contact the PA DOT District 3-0 Highway Beautification Manager.

(2) Free Standing Sign. A self-supporting sign in a fixed location and not attached to any building or structure.

(a) Such sign shall have no more than two (2) faces.

(b) The area of each face shall not exceed thirty (30) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed fifty (50) square feet.

(c) The top of such sign may not exceed a height of twenty (20) feet above grade.

(d) A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.

(e) Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

(f) There must be no exposed connecting wires.

(3) Projecting Sign. A permanent sign this is hung at a 90° angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

(a) If flat, each face shall not exceed nine (9) square feet.

(b) The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.

(c) Such sign must be hung at right angles and shall not project beyond four (4) feet of the building face.

(d) The bottom of said sign shall have an eight (8) foot pedestrian clearance from the ground or sidewalk level.

(4) Wall Sign. A sign which is attached parallel on the exterior surface of a building or structure. Canopy signs, awning signs, and marquee signs shall be classified as wall signs for the purposes of this Chapter.

(a) A wall sign shall not project more than fifteen (15) inches from the building surface.

(b) The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.

(c) Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(5) Billboards/Off Premises Advertising Sign (Free-Standing Signs.

(a) No more than one (1) non-illuminated, indirectly illuminated, or directly illuminated billboard or off premises advertising sign may be erected and maintained on a lot in the Commercial Manufacturing District. For the purposes of this section, such signs shall be free-standing signs only.

(b) Billboards or off premises advertising signs shall not exceed 250 square feet in area.

(c) Billboards or off premises advertising signs shall not exceed 30 feet in height above the average grade of the proposed site, nor be located closer to the ground than 15 feet (measured from the lowest part of the sign) when in a parking, vehicular or pedestrian circulation area, unless such signs are resting on the ground.

(d) Billboards or off premises advertising signs shall be located no closer than 750 feet (measured on the same side of the street) to any other such sign.

(e) Billboards or off premises advertising signs shall be set back a distance equal to their height or 25 feet, whichever is greater, from the edge of the right-of-way of the adjoining street. No such sign shall be erected, however, which would effectively limit proper sight distance or obstruct a driver's vision within the required clear sight triangle of an intersection.

(f) All applicable provisions of the State's Outdoor Advertising Act of 1971, as amended, shall be adhered to where signs are to be erected in areas adjacent to highways in PennDOT's Primary and Interstate System. Any individual desiring to establish a sign in these areas shall contact PennDOT's Division of Outdoor Advertising to determine if the State's regulations will affect his proposal. A copy of PennDOT's determination shall accompany all applications for signs in such areas,

and a copy of the State Permit, where required, shall be submitted to the Township prior to initiation of construction or erection of the sign.

(Ordinance No. 21-03, adopted December 6, 2021)

(c) Sign Application and Permit. A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Board of Supervisors and by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

(d) Illumination of Signs. A sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

(1) All electricity illuminated signs shall conform to the requirements of the International Building Code/2000 as amended.

(2) Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property.

(3) No forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

(4) There must be no exposed connecting wires.

(e) Setback Requirements. Unless otherwise specified in the Code, signs are exempt from setback requirements.

(f) Supports and Brackets. Supports and brackets for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

(4) Prohibited Signs. Prohibited Signs shall include:

(a) Any sign which flashes, rotates, or has a motorized part that is visible from a public street.

(b) Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.

(c) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.

(d) Any sign or sign structure which:

(1) Is structurally unsafe;

(2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;

(3) Is not kept in good repair; or

(4) Is capable of causing electrical shocks to persons likely to come in contact with it.

(e) Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.

(f) String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.

(g) Spinners and streamers.

(h) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.

(i) Any sign affixed to a fence, utility pole or utility structure, or tree, shrub, rock or other natural objects.

(j) Off premise signs unless a Business Directory Sign (see §514(3)(b)(1)).

(k) Portable or moveable signs other than as temporary signs (see §514(2)(i)(2)).

(l) Signs which depict nudity or sexual conduct (see also §602 for Adult Entertainment uses)

(5) Maintenance. Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning

Officer may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the costs of removal.

**§515. Small Wind Energy System.**

(1) Definition. See Part 2.

(2) Controls.

(a) Lot size shall not be less than one (1) acre inclusive of the permitted principal use.

(b) Setbacks from all lot lines shall be a factor of 1.5 times the tower height. Towers are prohibited from being located in the front yard of the principal building.

(c) Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.

(d) The small wind energy system is to operate on the same lot to serve the principal use.

(3) Discontinuance of Use. If a Small Wind Energy System remains unused for a period of twelve (12) consecutive months, the property owner shall dismantle and remove the tower and related equipment within six (6) months of the expiration of such twelve (12) month period.

(4) Failure to Remove. If the Owner shall fail to dismantle and remove the tower and related equipment in the time specified above, the Township may enter upon said land and remove the tower and related equipment. Owner shall pay to the Township within 10 days of the receipt of an invoice for the same the costs of removing the tower and related facilities and the disposal of the same.

In the event Township removes the said tower and related facilities, Owner shall release Township for any and all liability with regard to the same and shall indemnify and save Township harmless from any and all liability with regard to the said removal and disposal.

Should Owner fail to pay the costs of the removal or the indemnification, the same may be entered as a municipal claim against the Owner's real estate.

(Ordinance No. 09-64, adopted December 7, 2009)

**§516. Storage of Junk and Certain Vehicles.**

(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:

(a) Screened from view from any street right-of-way or property line using vegetative screening (see §513), 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.

(b) Limited to the occupancy of no more than 1,000 sq. ft. of lot area.

(2) Junkyard/Salvage Yard. See the special exception criteria for this use in §616.

**§517. Unique Lots and Building Locations.**

(1) Two or More Buildings on a Lot – Land Development. Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Chapter which would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see the applicable Subdivision and Land Development section).

(2) Side Yard of a Corner Lot. The minimum side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

(Ordinance No. 09-64, adopted December 7, 2009)

**§518. 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.

**§519. Yard and Garage Sales.** For the purposes of this Chapter, yard and garage sales shall be considered as an accessory use to a residential dwelling and shall not require a zoning permit, provided that:

(1) No more than 3 yard sales shall be conducted per year by a resident from the same lot; and

(2) The duration of one yard sale shall not exceed 3 consecutive days.

(3) Should a resident desire to conduct yard sales in excess of the frequency or duration stated above, a Special Exception for a Home Occupation shall be required using the Home Occupation regulations of Part 6 as the criteria for the granting of the Special Exception.

**§520. Lots Abutting More Than One Street.** The owner of a lot abutting more than one street shall determine which of the sides of the lot abutting a street shall be the front. The boundary line of the lot opposite the front shall be the rear and the remaining boundary lines shall be the sides.

(Ordinance No. 20-3, adopted July 6, 2020)



## CHAPTER 27

### ZONING

#### Part 6

#### Supplemental Use Criteria

**§601. General Special Exception or Conditional Use Criteria.** In addition to the specific supplemental use criteria identified for uses within this Part, the following general criteria shall apply to all Special Exception and Conditional Use applications under this Chapter.

(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 Part 5 for supplemental regulations which may apply.

(2) The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.

(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.

(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) 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.

(6) Special Exception or Conditional Uses proposed for mixed use districts (e.g. Urban Fringe or Village Districts) are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such uses are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character.

(7) In the event sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. DEP approved on-lot facilities may be acceptable for the following uses: Adult Entertainment; Agricultural Business; Campground; Day Care Center; Group Care Facility; Junk Yard or Salvage Yard; Light Manufacturing; Professional Office; Public or Quasi-Public Use; Recreation Facility,

Commercial; Recreation Facility, Public; Restaurant; Retail, Wholesale, Office, or Service Use; or Trucking Terminal, Distribution Center.

(8) Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge area (see the Township's Subdivision and Land Development and Stormwater Management Sections for standards); evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners.

(9) Compliance with the floodplain regulations of the Township and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.

(10) Permanent screening and landscaping shall be provided in accord with Part 5 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.

(11) Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways.

(12) Sites shall be designed and constructed in accord with the Township's Subdivision and Land Development Chapter.

(13) Information on the method of municipal waste collection and disposal shall be presented by the applicant.

(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.

(15) All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

#### **§602. Adult Entertainment.**

(1) Adult entertainment 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.

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

(b) 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.

(c) An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 square feet in size.

**§603. Animal Hospitals & Commercial Kennels.** Animal Hospitals and Commercial Animal Kennels are to be conditioned upon, but not limited to, the following criteria:

(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.

(2) Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.

(3) Demonstration that all animals will be confined to the property.

(4) Demonstration of adequate methods for sanitation and sewage disposal.

(5) Outdoor runs 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.

(6) Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.

(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.

**§604. Automotive Repair Facility, Sales Facility, Service Station, or Convenience Market.** An automotive repair facility, sales facility, service station, or convenience market may be permitted only in those zoning districts as provided for in the district regulations of this Chapter and shall comply with the provisions outlined below, as well as other municipal regulations existing or which may hereafter be enacted.

(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.

(2) Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

(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.

(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 stored within a building or dumpster.

(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 all noise, vibrations, air emissions, and odor generated by the activity.

(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.

(7) No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.

(8) Screening or landscaping shall be provided in accord with §513 when this use is adjacent to residences, churches or similar uses.

**§605. Bed and Breakfast Inn.**

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

(2) Standards.

(a) 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.

(b) Off-street parking shall be provided in accord with Part 5. 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.

(c) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

(d) Room rentals to families or individuals shall not exceed 14 consecutive days.

(e) Compliance with the sign regulations of Part 5 shall be maintained.

**§606. Cluster Subdivision.**

(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 Chapter, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

A cluster subdivision shall be designed in accord with the regulations contained in this section except that the maximum gross density specified in Part 4 for the zoning district in which the Cluster Subdivision is proposed shall not be exceeded.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township Planning Commission in compliance with the Buffalo Township Subdivision and Land Development Chapter, 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 by the Zoning Hearing Board 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.

(2) Applications for Cluster Subdivision Development. Any developer who desire to initiate a Cluster Subdivision shall submit an application to the Township Supervisors through the Zoning Officer in accord with the Conditional Use procedure. The application shall be accompanied by:

(a) Location map showing the project in relation to the surrounding area;

(b) Sketch plan showing:

(1) Property lines and easements with dimensions and area;

(2) Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;

(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;

(4) Topographic information showing existing features, conditions, and proposed grading;

(5) Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and

(6) Existing streets, showing access to the project, proposed roads and parking layout with dimensions.

(c) 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

(d) Written information regarding the following:

(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;

(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.

(3) Criteria for Granting Conditional Use Approval For Cluster Subdivision. A Conditional Use approval for a Cluster Subdivision shall only be granted if evidence is presented that:

(a) The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Township Comprehensive Plan, this section and the Buffalo Township Subdivision and Land Development regulations;

(b) The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Chapter, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

(c) The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;

(4) General Qualifications.

(a) Density. The gross density of a cluster subdivision shall not exceed the maximum gross density (dwelling units per acre) specified in Part 4 for the zoning district in which the Cluster Subdivision is proposed. For example, determination of the number of units allowable on a tract for cluster subdivision in the Urban Fringe District is as follows:

Gross acreage of parcel, times 6 units/acre, equals total number of dwelling units permitted.

(b) 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 Part. All units proposed shall be for sale only.

(c) Permitted Lot Area Reductions. For cluster subdivisions, single family detached may be reduced up to 50% from the minimum established in Part 4 for the zoning district in which the Cluster Subdivision is proposed. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit. Double dwellings may be reduced up to 20% from the minimum established in Part 4 for the zoning district in which the Cluster Subdivision is proposed.

(d) Yard Dimensions.

(1) Minimum Yards for Single Family Detached and Double Dwellings:

Front: 25 ft.

Side: 0 ft.

Rear: 10 ft.

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

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

(e) 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, Landscaping, Trees, and Shrubbery regulations found in Part 5.

(Ordinance No. 09-64, adopted December 7, 2009)

(5) Special Housing Qualifications.

(a) 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.

(b) 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

(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 principal structure and that a minimum front building line of 25 ft. is maintained.

(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.

(8) Maximum Building Height. Thirty-five (35) feet.

(9) Miscellaneous Regulations.

(a) Utilities. Public or community sewer and water facilities shall be provided.

(b) Off-Street Parking. See Off-Street Parking and Loading regulations in Part 5.

(c) Sign Regulations. See the regulations for Signs in Part 5.

(d) Fence Regulations. See the regulations for Accessory Structures in Part 5.

(e) Automobile Trailers and Mobile Homes. Shall not be permitted in a Cluster Subdivision.

(10) Open Space Requirements.

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

(b) 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.

(c) Private Ownership. When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:



(1) Obligate purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

(2) Obligate such an association to maintain the open areas and private streets and utilities.

(3) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

(4) Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provision will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

(5) Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Township.

**§607. Communications Antennae, Communications Equipment Buildings, and Communications Towers.**

(1) Building mounted Communications Antennae shall not be permitted on any single family dwelling or two family dwelling.

(2) Building mounted Communications Antennae shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

(3) Omni-directional or whip Communications Antennae shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(4) Directional or panel Communication Antennae shall not exceed five (5) feet in height and three (3) feet in width.

(5) Any applicant proposing Communications Antennae 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.

(6) Any applicant proposing Communications Antennae to be mounted on a Building or other Structure shall submit detailed construction and elevation drawing indicating how the antennae will be mounted on the Structure for determining compliance with this Chapter and with any applicable Building Code or other law.

(7) Any applicant proposing Communications Antennae to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennae are to be mounted so that installation and maintenance of the antennae and Communications Equipment Building can be accomplished.

(8) Communications Antennae shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(9) Communications Antennae shall not cause radio frequency interference with other communications facilities located in the Township.

(10) A communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

(11) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennae.

(12) The applicant shall demonstrate that the proposed Communications Tower and Communications Antennae proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(13) Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

(14) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennae on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter ( $\frac{1}{4}$ ) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

(a) The proposed antennae and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

(b) The proposed antennae 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.

(c) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed antennae and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owners of such Structures.

(15) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.

(16) A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

(17) Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevation drawings for determining compliance with all applicable provisions of this Chapter.

(18) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.

(19) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

(20) The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining or located in any Residential District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least thirty (30) feet.

(21) The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

(22) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications 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/Telecommunications Industry Association and any applicable Building Code.

(23) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications 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 Communications Tower and Communications Antennae.

(24) All guy wires associated with guyed Communications 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.

(25) The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.

(26) 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.

(27) Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.

(28) If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for

removal of a Communications Tower in the event that the owner or operator fails to perform the removal.

(29) One off-street parking space shall be provided within the fenced area.

**§608. Corrective or Penal Facility.** In addition to the use regulations of this Chapter, a Corrective or Penal Facility shall comply with the provisions of the Township's Subdivision and Land Development Chapter and the criteria enumerated below:

(1) A site plan shall be provided showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings and structures to be used as part of the facility.

(2) An explanation of the traffic, sanitary and environmental safety measures to be utilized and made operational before commencing operations.

(3) An indication as to how the light fixtures to be used for security and night operations are to be designed and positioned to avoid directing glare onto adjacent roadways and neighboring properties thereby preventing nuisance effects associated with the lighting.

(4) A written commitment shall be presented, signed by the highest responsible official, indicating what operational policies, practices (including the size of the inmate population) and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety or nearby residents.

(5) An Emergency Response plan shall be provided which guarantees that the facility owner will either provide directly or provide to the Township whatever supplemental equipment, personnel, and financial resources are deemed necessary by the Township to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or other potential incident.

(6) A Communications Plan shall be provided which defines in detail the manner in which Township officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Township to the owner.

(7) A Manpower Chart which identifies the on-site or parent organization chain-of-command by position and name.

(8) A Maintenance Plan which assures that the physical appearance of the facility will be kept in a sanitary and secure condition and will not adversely affect neighboring properties.

(9) All permits, licenses and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Township as part of the application for the Corrective or Penal Facility. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Township Zoning Permit.

(10) Nothing in this section is intended nor shall be interpreted to attempt to regulate those aspects of Corrective or Penal Facilities which are specifically regulated by the Pennsylvania Department of Corrections of the U.S. Department of Justice, provided that the essential precautions are defined by such regulations in as much detail as required herein.

**§609. Day Care Center.** A center which provides daytime care or instruction for 4 or more infants of age 0 to 24 months, 6 or more children age 2 to 5 years, or 7 or more persons over 5 years of age and operates on a regular basis, including nursery schools and preschools, shall comply with the following provisions:

(1) A day care center shall be located in an area that is free from conditions dangerous to the physical and moral welfare of the children.

(2) At least 100 square feet per child of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.

(3) At least 40 square feet per child of soundly constructed inside play area, not including bathroom, hallways, and other areas unsuited for play shall be provided.

(4) The applicant shall provide such certification or documentation as necessary to show that the plans for the proposed day care center meet, where applicable, the licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare, Education, and Environmental Protection.

(5) A building floor plan shall be provided, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.

(6) A site plan shall also be provided, drawn to scale, and clearly showing the following:

(a) The dimensions and acreage of the site and its relationship to surrounding properties;

(b) The layout of the entire project including the proposed use and location of all buildings;

(c) The location and dimensions of present and proposed streets and private drives, and pedestrian facilities;

(d) The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern;

(e) The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use;

(f) The location of existing and proposed plantings and screening, including the type and size of each plant to be installed;

(g) The location of existing and proposed utility lines, watercourses and drainage lines and easements;

(h) Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

**§610. Family Based Group Home.**

(1) The Family Based 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.

(2) No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

(3) The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.

(4) The Family Based 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) The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

(6) Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant caregivers, and visitors (see §510).

**§611. Funeral Home.**

(1) Off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. This area shall be in addition to the off-street parking spaces required for this use as stipulated in §510.

**§612. Group Care Facility.**

(1) The Group Care Facility 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.

(2) The Group Care Facility shall maintain a residential neighborhood character.

(3) The Group Care Facility 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.

(4) The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

(5) Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant caregivers, and visitors (see §510).

**§613. Home Based Business.** A Home Based Business is 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.

(1) The Home Based Business shall be compatible with the residential character of the dwelling or the immediate vicinity. The Home Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

(2) A Home Based Business may be conducted inside the dwelling or within an accessory building or garage, but shall not occupy an area exceeding 60 percent of the ground floor area of the dwelling.

(3) The business shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.

(4) All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.

(5) The Home Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Based Business.



(6) No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

**§614. Home Occupations (including Family Day Care Home).** A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and crafts shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

(1) The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 4 sq. ft. (see Address Sign - §514(2)).

(2) Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.

(3) The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1,000) square feet. The floor area standards shall not apply to family day care homes.

(4) All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.

(5) The sale of goods shall be secondary to the occupation or service provided.

(6) Any Home Occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

**§615. Industrial Park and Industrial or Manufacturing Uses.**

(1) Industrial operations shall abut or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.

(2) At least 75% of all operations shall occur within an 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.

(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.

**§616. Junk Yard or Salvage Yard.** Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Chapter and shall comply with the provisions outlined below, as well as with existing Buffalo Township Ordinance #0-1-59, as amended.

(1) Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a buffer yard and/or landscaping as set forth in §513 of this Chapter may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

(2) Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

(3) No garbage or other organic waste shall be stored in such premises.

(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) 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.

(6) No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or shrub growth over eight (8) inches in height shall be permitted to grow within this setback area. Where determined appropriate by the Township, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan and NPDES Permit for his facility.

**§617. Municipal Waste Landfill.**

(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 State Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.

(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 Municipal Waste Landfill):

- (a) Within 2 miles of a well or spring used for a community water supply;
- (b) Within 2 miles of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;
- (c) Within any 100 year floodplain or a larger area that the flood of record has inundated;
- (d) Within any wetland area;
- (e) Over any active or inactive oil or gas wells or storage areas;
- (f) Over any formations of carbonate bedrock;
- (g) Within 2 miles of any National Landmark or historic site as listed on the National Register of Historic Places;
- (h) Within any Agricultural Security Area;
- (i) In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;
- (j) 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;
- (k) Within 2 miles of any designated Aquifer Protection Area or Well-Head Protection Area; or
- (l) Within 1 mile of persons certified as “at risk” by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

(3) Community and Environmental Impact Analysis. Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

- (a) Hydrologic analysis and information;
- (b) Information concerning geologic conditions;
- (c) SCS soils classification information;

- (d) Information on mineral bearing areas;
- (e) Land use analysis;
- (f) Information regarding transportation impacts;
- (g) Information regarding emergency and safety services;
- (h) Economic impact analysis; and
- (i) Air quality impact analysis.

(4) Application Requirements. The Applicant shall submit the following information pertaining to the site or project:

- (a) A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- (b) A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- (c) A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- (d) A statement of qualifications to operate a waste disposal facility;
- (e) 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:
  - (1) Facility construction and maintenance procedures;
  - (2) Operating procedures and practices, the design of the facility and its associated activities;
  - (3) Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
  - (4) The services to be offered by the applicant to the community;
  - (5) The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;

(6) Provisions for renegotiations of any term, condition or provision of the siting agreement;

(7) Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;

(8) Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;

(9) Provisions for direct monetary payments to the Township and special services to be provided for demonstrated adverse impacts;

(10) Provisions to assure the health, safety, comfort, convenience and social and economic security of the Township;

(11) Provisions to assure the protection of environmental and natural resources;

(12) 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.

**§618. 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;

(8) The business may not involve any illegal activity.

**§619. Riding Stables.** The keeping of horses either at a Commercial Riding Stable or for personal use shall require adequate housing or pasture based on the number of horses maintained on the premises. Adequate sanitation shall be maintained at all times and stables or fencing shall secure horses so that they do not become a nuisance or safety hazard to neighbors or to the public.

(1) The maximum number of horses for a lot in the Rural Residential, Village, Commercial Manufacturing and Urban Fringe District shall be (2) horses.

(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.

(3) Manure shall be collected and maintained in a sanitary manner so as to prevent offensive odors, fly breeding or other nuisances. A written manure management plan including the disposal location shall be provided to the Zoning Officer.

(Ordinance No. 09-64, adopted December 7, 2009)

**§620. 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.

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

(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.

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

(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) Community and Environmental Impact Analysis. Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

- (a) Hydrologic analysis and information;
- (b) Information concerning geologic conditions;
- (c) SCS soils classification information;
- (d) Information on mineral bearing areas;
- (e) Land use analysis;
- (f) Information regarding transportation impacts;
- (g) Information regarding emergency and safety services;
- (h) Economic impact analysis; and
- (i) Air quality impact analysis.

**§621. Uses Not Provided For.** Whenever, under this Chapter, 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 Township Supervisors to hear and decide such request as a Conditional Use. The Township 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 §902 of this Chapter. In addition, the use may only be permitted if:

- (1) It is similar to and compatible with the other uses permitted in the zone where the subject property is located;
- (2) It is not permitted in any other zone under the terms of this Chapter; and
- (3) It in no way is in conflict with the general purposes of this Chapter.

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.

**§622. Nursing or Retirement Home, Assisted Living Facility.**

- (1) The lot upon which the facility is situated shall meet the minimum area requirements established for the district in which the use is to be located.

(2) The facility shall meet all applicable state codes regarding patient space requirements, and medical or nursing personnel shall be available on a 24 hour a day basis.

(3) Sewage and water supply facilities shall be sufficient to handle the anticipated loading created by the proposed institutional use and shall meet all requirements of the PA Department of Environmental Protection.

(4) Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.

(5) Arrangements for the collection, storage and disposal of solid wastes generated at the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such use.

(6) Signs advertising the facility shall meet the requirements of §514 of this Chapter.

(7) The off-street parking requirements of §510 and all other applicable provisions of this Chapter shall be met.

(Ordinance No. 17-01, adopted June 5, 2017)

**§623. Solar Energy**

(1) Glare

(a) All solar photovoltaic cells shall be treated with an anti-reflecting coating in accordance with the highest industry standards.

(2) Principal Solar Energy System Design and Regulation

(a) The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The PSES layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

(b) The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.



(c) The applicant shall provide the Township with an executed copy of its contract with a public utility company or the Regional Transmission Operator (RTO) to which the PSES will be connected, the same to be subject to review and approval of the Township.

(d) No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

(e) Glare

(1) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.

(f) No trees or landscaping required by state, federal or Township statutes, laws, ordinances, rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

(g) The PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the inquiry or complaint was filed.

(h) PSES owners shall properly maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components in a manner consistent with industry standards. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

(i) A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the PSES is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

(j) Decommissioning

(1) The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the PSES, the PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

(2) The PSES owner shall then have six (6) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Township may authorize one six (6) month extension for just cause shown by the PSES owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township ordinances.

(k) Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

(l) PSES shall comply with the Township subdivision and land development requirements. The installation and operation of PSES shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

(3) Ground Mounted Principal Solar Energy Systems. Notwithstanding any other provisions in this Chapter, the following shall apply to Ground Mounted PSES:

(a) Minimum and maximum area lot size for all Zoning Districts:

Minimum - Five (5) acres

Maximum – 50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed fifty (50) acres

(b) Minimum yards:

(1) PSES shall comply with the following minimum setback requirements measured from the property line:

Fence: 25 ft.

Panels:

Front: 50 ft.

Side: 50 ft.

Rear: 50 ft.

(2) In all cases, there shall be a minimum distance of one hundred (100') feet between the boundary line of adjacent non-participating lands utilized for residential purposes and any component of the PSES including buildings, panels, fencing, screening and other equipment.

(3) In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

(c) Height: Ground mounted PSES shall not exceed ten (10') feet in height as measured vertically from the top of the component and the ground below the component.

(d) Impervious Coverage

(1) The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.

(2) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(c) Gravel or paved access roads servicing the PSES.

(e) PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

(f) Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(1) Screening shall consist of evergreen trees or shrubs;

(2) Screening shall be installed on the exterior of said fencing in the following:

(a) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.

(b) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(c) When the fence faces adjacent lands in the PLP, V and UF Zoning District.

(3) The trees or shrubs shall be a minimum of eight feet (8') in height and of sufficient size and placed in such location as to visibly obscure the fence within 3 years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(4) A screening plan shall be submitted with the application for a land development plan.

(g) In Agricultural Zoning Districts, no more than 20 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the NRCS Custom Soil Resource Report.

(h) Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

(i) Security

(1) All ground mounted PSES shall be completely enclosed by an eight foot (8') high fence and all gates shall have locks.

(2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for PSES outside the required screening. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.

(j) Access

(1) An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

(2) Service roads within the area of the PSES, at a minimum 16' width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the PSES.

(k) The ground mounted PSES shall not be artificially lighted except in compliance with all applicable federal, state, and Township statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

(l) If a ground mounted PSES is removed, the same shall be in accordance with all applicable local, state and federal laws, ordinances, statutes, rules and regulations.

(4) Roof and Wall Mounted Principal Solar Energy System

(a) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the building code of the Township and that the roof or wall supporting the system is capable of holding the load imposed on the structure.

(b) PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

(5) The landowner and developer shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the landowner's and developer's expense and shall be submitted with the application for a permit signed by said owner and developer.

(6) The applicant for a Zoning Permit for a PSES shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the PSES. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter

of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the PSES is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the PSES or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner of the PSES. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner of the PSES shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner of the PSES and/or the land shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in reviewing the estimates or enforcing the said agreement shall be paid by the owner of the PSES and/or the land within ten (10) days of receiving a bill for the same.

(Ordinance No. 20-5, adopted August 3, 2020)

**§624. Small Cottages.**

(a) Use Limitations. A Small Cottage shall not be occupied by more than two persons, who shall be the same persons enumerated on the application for the Small Cottage unit, and each of them shall be a person sixty-two (62) years of age or older or is a disabled person who shall require assistance, as certified by a state-licensed physician, with at least two daily activities (i.e., bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating), and who shall be related by blood, marriage, or adoption to one of the occupants of the principal dwelling on the lot where the Small Cottage is located.

(b) Unit Size.

(1) The Small Cottage shall not exceed 900 square feet in total floor area.

(2) The minimum size of a Small Cottage occupied by one person shall be no less than 250 square feet of enclosed floor area. The minimum size of a Small Cottage occupied by two persons shall be no less than 500 square feet of enclosed floor area.

(3) The Small Cottage shall not exceed one story in height and under no circumstances shall the total height exceed 20 feet.

(c) Location Requirements.

(1) A Small Cottage shall, subject to the further limitations of this Chapter, be located only on a lot where there already exists a single family dwelling occupied by a family member.

(2) No Small Cottage shall be located within the front yard of any lot.

(3) No more than one Small Cottage shall be located on any lot.

(4) The Small Cottage shall be otherwise in conformity with all other provisions of this Chapter, including but not limited to, lot coverage and side and rear yard setbacks, and any distance requirement from the main dwelling unit on the lot as required by Township Ordinances.

(d) Building Requirements.

(1) A Small Cottage shall be clearly subordinate to the principal dwelling on the lot. Its exterior appearance and character shall be in harmony with the existing principal dwelling.

(2) A Small Cottage shall not be stick built and shall be a factory-manufactured home or component and, in addition to complying with any other law, it shall bear an Insignia of Approval of the United States Department of Housing and Urban Development or an Insignia of Certification for Industrialized Housing of the Pennsylvania Department of Community and Economic Development. Please consult the following website for additional information:

<https://dced.pa.gov/housing-and-development/industrialized-and-modular-housing/>

(3) A Small Cottage shall be constructed so as to be easily removable. The unit's foundation shall be of easily removeable materials so that the lot may be restored to its original use and appearance after removal. No permanent fencing,

walls, or other structures shall be installed or modified that will hinder removal of the Small Cottage from the lot.

(4) Adequate water supply and sewage disposal arrangements shall be provided, which may include connections to such facilities of the principal dwelling and which must be approved and installed with compliance to all ordinances, statutes, rules and regulations. The Small Cottage shall be serviced by all other necessary utilities. If a Small Cottage is located in an area where electrical, cable, and/or telephone utilities are underground, such utilities serving the unit shall also be underground.

(5) Adequate parking shall be provided for residents and visitors with added consideration for possible access for emergency vehicles.

(e) Approval Process. The placement of a Small Cottage on a lot shall not occur until the applicant obtains a building permit and a zoning permit.

(f) In addition to the application requirements of the Code of Ordinances of Buffalo Township, the application for a building permit or zoning permit for a Small Cottage shall require approval by Buffalo Township and shall contain such information as the Buffalo Township Zoning Officer may require to adequately review the proposed unit, but shall contain at a minimum:

- (1) Name, address and phone number of the owner of the lot.
- (2) Name of the owners/occupants of the principal dwelling.
- (3) Name of the proposed occupant(s) of the Small Cottage.
- (4) Age of the proposed occupant(s) of the Small Cottage.
- (5) Relationship of the Small Cottage occupant(s) to the owners/occupants of the principal dwelling with proof of relationship.

(a) The occupants of the principal residence on the lot upon which the Small Cottage shall be placed shall certify annually that the occupant(s) of the Small Cottage are related to the occupants by blood, marriage or adoption at least fifteen (15) days prior to the anniversary of the date of issue of the permit.

(b) An Affidavit signed by the occupants of the principal residence on the lot upon which the Small Cottage shall be placed shall be considered adequate proof of relationship.

(g) Occupancy of Small Cottage. The Small Cottage unit shall not be occupied until the Building Code Official of Buffalo Township has inspected the unit and given approval for occupation.



(h) Removal of Small Cottage.

(1) The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to remove the Small Cottage. The estimated cost shall be prepared by an engineer, contractor or manufactured home provider and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the Small Cottage is removed and the land restored to its original condition.

(2) The financial security may be utilized by the Township to pay the costs of dismantling, removal and/or restoration of the Small Cottage or the land as provided herein.

(3) Every five (5) years, a new estimate of the said costs, prepared by an engineer, contractor, or manufactured home provider, shall be submitted to the Township in writing by the owner of the lot upon which the Small Cottage is placed. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

(4) In the event the Township utilizes the said financial security as herein provided, the owner of the lot upon which the Small Cottage is placed shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

(5) The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

(6) Should the financial security not be sufficient to pay the costs and the fee, the owner of the lot upon which the Small Cottage is placed shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

(7) The agreement referred to herein shall be prepared by the Township.

(8) All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner of the lot upon which the Small Cottage is placed within ten (10) days of receiving a bill for the same.

(Ordinance No. 22-1, adopted January 3, 2022)

**§625. Accessory Structures for Temporary Residence.**

(a) Use Limitations. An Accessory Structure for Temporary Residence shall not be occupied by more than two persons, who shall be the same persons enumerated on the application for the Accessory Structure for Temporary Residence unit, and each of them shall be a person sixty-two (62) years of age or older or is a disabled person who shall require assistance, as certified by a state-licensed physician, with at least two daily activities (i.e., bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating), and who shall be related by blood, marriage, or adoption to one of the occupants of the principal dwelling on the lot where the Accessory Structure for Temporary Residence is located.

(b) Unit Size.

(1) The Accessory Structure for Temporary Residence shall not exceed 900 square feet in total floor area.

(2) The minimum size of an Accessory Structure for Temporary Residence occupied by one person shall be no less than 250 square feet of enclosed floor area. The minimum size of an Accessory Structure for Temporary Residence occupied by two persons shall be no less than 500 square feet of enclosed floor area.

(3) The Accessory Structure for Temporary Residence shall not exceed one story in height and under no circumstances shall the total height exceed 20 feet.

(c) Location Requirements.

(1) An Accessory Structure for Temporary Residence shall, subject to the further limitations of this Chapter, be located only on a lot where there already exists a single family dwelling occupied by a family member.

(2) No Accessory Structure for Temporary Residence shall be located within the front yard of any lot.

(3) No more than one Accessory Structure for Temporary Residence shall be located on any lot.

(4) The Accessory Structure for Temporary Residence shall be otherwise in conformity with all other provisions of this Chapter, including but not limited to, lot coverage and side and rear yard setbacks, and any distance requirement from the main dwelling unit on the lot as required by Township Ordinances.

(d) Building Requirements.

(1) An Accessory Structure for Temporary Residence shall be clearly subordinate to the principal dwelling on the lot. Its exterior appearance and character shall be in harmony with the existing principal dwelling.

(2) An Accessory Structure for Temporary Residence shall be constructed so as to be easily removable. The unit's foundation shall be of easily removeable materials so that the lot may be restored to its original use and appearance after removal. No permanent fencing, walls, or other structures shall be installed or modified that will hinder removal of the Accessory Structure for Temporary Residence from the lot.

(3) Adequate water supply and sewage disposal arrangements shall be provided, which may include connections to such facilities of the principal dwelling and which must be approved and installed with compliance to all ordinances, statutes, rules and regulations. The Accessory Structure for Temporary Residence shall be serviced by all other necessary utilities. If an Accessory Structure for Temporary Residence is located in an area where electrical, cable, and/or telephone utilities are underground, such utilities serving the unit shall also be underground.

(4) Adequate parking shall be provided for residents and visitors with added consideration for possible access for emergency vehicles.

(e) Approval Process. The placement of an Accessory Structure for Temporary Residence on a lot shall not occur until the applicant obtains a building permit and a zoning permit.

(f) In addition to the application requirements of the Code of Ordinances of Buffalo Township, the application for a building permit or zoning permit for an Accessory Structure for Temporary Residence shall require approval by Buffalo Township and shall contain such information as the Buffalo Township Zoning Officer may require to adequately review the proposed unit, but shall contain at a minimum:

- (1) Name, address and phone number of the owner of the lot.
- (2) Name of the owners/occupants of the principal dwelling.
- (3) Name of the proposed occupant(s) of the Accessory Structure for Temporary Residence.
- (4) Age of the proposed occupant(s) of the Accessory Structure for Temporary Residence.
- (5) Relationship of the Accessory Structure for Temporary Residence occupant(s) to the owners/occupants of the principal dwelling with proof of relationship.

(a) The occupants of the principal residence on the lot upon which the Accessory Structure for Temporary Residence shall be placed shall certify annually that the occupant(s) of the Accessory Structure for Temporary Residence are related to the occupants by blood, marriage or adoption at least fifteen (15) days prior to the anniversary of the date of issue of the permit.

(b) An Affidavit signed by the occupants of the principal residence on the lot upon which the Accessory Structure for Temporary Residence shall be placed shall be considered adequate proof of relationship.

(g) Occupancy of Accessory Structure for Temporary Residence. The Accessory Structure for Temporary Residence unit shall not be occupied until the Building Code Official of Buffalo Township has inspected the unit and given approval for occupation.

(h) Removal of Accessory Structure for Temporary Residence.

(1) The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to remove the Accessory Structure for Temporary Residence. The estimated cost shall be prepared by an engineer, contractor or manufactured home provider and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the Accessory Structure for Temporary Residence is removed and the land restored to its original condition.

(2) The financial security may be utilized by the Township to pay the costs of dismantling, removal and/or restoration of the Accessory Structure for Temporary Residence or the land as provided herein.

(3) Every five (5) years, a new estimate of the said costs, prepared by an engineer, contractor, or manufactured home provider, shall be submitted to the Township in writing by the owner of the lot upon which the Accessory Structure for Temporary Residence is placed. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

(4) In the event the Township utilizes the said financial security as herein provided, the owner of the lot upon which the Accessory Structure for Temporary Structure is placed shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

(5) The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

(6) Should the financial security not be sufficient to pay the costs and the fee, the owner of the lot upon which the Accessory Structure for Temporary Residence is placed shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

(7) The agreement referred to herein shall be prepared by the Township.

(8) All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner of the lot upon which the Accessory Structure for Temporary Residence is placed within ten (10) days of receiving a bill for the same.

(i) Conversion of Accessory Structure for Temporary Residence. When the structure is no longer occupied by a qualified occupant, the requirements of Subsection H above shall not apply, provided, the Accessory Structure for Temporary Residence is utilized for another permitted accessory use as provided in Section 502 of this Chapter.

(Ordinance No. 22-1, adopted January 3, 2022)

**§626. Small Cell Wireless Facility.**

(1) Use of Right-of-Way for Small Wireless Facilities and Utility Poles with Small Wireless Facilities Attached.

(a) Applicability. The provisions of this section shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated new utility poles with small wireless facilities attached.

(b) Exclusive Use Prohibited. The Township shall not enter into an exclusive arrangement with any person for use of the right-of-way for:

(1) collocation; or

(2) the installation, operation, modification or replacement of utility poles with small wireless facilities attached.

(c) Right-of-Way Rates and Fees. Subject to the fee adjustment requirements under subsection (4)(c), the Township shall have the right to charge an annual fee for the use of the right-of-way. An annual right-of-way fee shall not exceed \$270.00 per

small wireless facility or \$270.00 per new utility pole with a small wireless facility unless the Township demonstrates all of the following:

(1) The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.

(2) The Township's costs under subsection (1) are reasonable.

(3) The annual right-of-way fee is nondiscriminatory.

(d) Right of Access.

(1) Under the provisions of this section, in accordance with applicable codes, and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the right-of-way:

(a) Collocate.

(b) Replace an existing utility pole or install a new utility pole with attached small wireless facilities.

(2) All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

(e) Size Limits.

(1) Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:

(a) The installation of a small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.

(b) If collocation on an existing utility pole cannot be achieved under Chapter 13, Part 4, Section 402(9), a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(2) Subject to the provisions of this section, a wireless provider may collocate or install a new utility pole with small wireless facilities attached that exceeds these height limits by including a height limit waiver request or

variances in the application. Height limit waivers or variances shall be processed subject to applicable codes.

(f) Underground District. A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit communications service providers from placing or installing structures in the right-of-way in an area designated solely for underground or buried cable facilities and utility facilities if the Township:

(1) Requires all cable facilities and utility facilities, other than municipal poles and attachments, to be placed underground by a date certain that is three months prior to the submission of the application.

(2) Does not prohibit the replacement of municipal poles in the designated area.

(3) Permits wireless providers to seek a waiver of the underground requirements for the installation of a new utility pole to support small wireless facilities. Upon the submission of a request for a waiver by a wireless provider, the Township may require a public hearing and, with the approval of the property owner, permit a waiver request. Waivers shall be addressed in a nondiscriminatory manner and in accordance with applicable codes.

(g) Historic District or Building. Except for facilities excluded from evaluation for effects on historic properties under 47 CFR §1.1307(a)(4)(relating to actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared), the Township may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district or on historic buildings. Any design or concealment measures may not have the effect of prohibiting any provider's technology or be considered a part of the small wireless facility for purposes of the size restrictions of small wireless facilities.

(h) Design Guidelines. The Township may develop objective design guidelines for a small wireless facility regarding the minimization of aesthetic impact in accordance with the following:

(1) The design guidelines shall be technically feasible.

(2) The design guidelines may not have the effect of prohibiting the wireless provider's technology.

(3) The design guidelines may not unreasonably discriminate among wireless providers of functionally equivalent services.

(i) **Damage and Repair.** A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors and return the right-of-way in as good of condition as it existed prior to any work being done in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed \$500.00. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty. The Township may not suspend the ability of an applicant to receive a new permit that has deposited the amount assessed for the repair costs and the assessed penalty in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

(j) **Communications Services.** The approval of the installation, placement, maintenance or operation of a small wireless facility under this section shall not authorize the provision of any communications services without compliance with all applicable laws or the installation, placement, maintenance or operation of any communications facilities other than wireless facilities and associated utility poles in the right-of-way.

(2) Access to Municipal Poles within Right-of-Way.

(a) **Applicability.** The provisions of this section shall apply to activities of the wireless provider within a right-of-way.

(b) **Exclusive Use Prohibited.** The Township may not enter into an exclusive arrangement with any person for the right to collocate on municipal poles.

(c) **Collocation.** The Township shall allow collocation on municipal poles using the process required under this Part, Chapter 13, Part 4 of the Code of Ordinances of Buffalo Township and applicable codes unless the small wireless facility would cause structural or safety deficiencies to the municipal pole, in which case the Township and applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way.

(d) **Rates.** Subject to the fee adjustment requirements under subsection (4)(c), the Township shall not charge a wireless provider a fee to collocate on municipal poles.



(e) Implementation and Make-Ready Work.

(1) The rates, fees and terms and conditions for the make-ready work to collocate on a municipal pole must be nondiscriminatory, competitively neutral and commercially reasonable and must comply with this Section 626 and Chapter 13, Part 4 of the Code of Ordinances of Buffalo Township.

(2) The Township shall provide a good faith estimate for any make-ready work necessary to enable the municipal pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including pole replacement, shall be completed within 60 days of written acceptance of the good faith estimate by the applicant. The Township may require replacement of the municipal pole only if the Township demonstrates that the collocation would make the municipal pole structurally unsound.

(3) The Township shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work on a nonreplacement municipal pole shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including replacement, shall not exceed actual costs or the amount charged to other similarly situated communications service providers for similar work and shall not include any consultant fees or expenses that are charged on a contingency basis.

(f) Future Use. The Township may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed. A reservation of space shall not preclude collocation, the replacement of an existing utility pole or the installation of a new utility pole. If the replacement of a municipal pole is necessary to accommodate collocation and the reserved future use, the wireless provider shall pay for the replacement municipal pole and the municipal pole shall accommodate the future use.

(3) Local Authority. Subject to the provisions of this Section and applicable Federal and State laws and regulations, nothing in this Section shall be construed to:

(a) Limit or preempt the scope of the Township's zoning, land use, planning, streets and sidewalks, rights-of-way and permitting authority as it relates to small wireless facilities.

(b) Grant the authority to the Township to exercise zoning jurisdiction over the design, engineering, construction, installation or operation of a small wireless facility located in an interior structure or on the site of a campus, stadium or athletic facility not owned or controlled by the Township. Nothing in this Section authorizes

the Commonwealth or the Township to require small wireless facility deployment or to regulate wireless services.

(4) Implementation.

(a) Ordinances. The Township may adopt ordinances that comply with this Section 626 and shall amend existing ordinances as necessary to comply with this Section 626. If the Township does not adopt an ordinance that complies with this Section 626 within 60 days of the effective date of this section, applications seeking permits to collocate, modify or replace existing utility poles or install new utility poles shall be processed in compliance with the Small Wireless Facilities Deployment Act. The Township shall not require a wireless provider to enter into an agreement to implement this Section 626. Nothing in this subsection shall be construed to prohibit an agreement between the Township and a wireless provider to implement this Section 626 if nondiscriminatory and entered into voluntarily.

(b) Agreements. All agreements between the Township and wireless service providers that are in effect on the effective date of this Section 626 shall remain in effect, subject to any termination provisions in the agreements. When an application is submitted after the effective date of this Section 626, a wireless provider may elect to have the rates, fees, terms and conditions established under Chapter 13, Part 4 of the Code of Ordinances of Buffalo Township effective date of this Section 626.

(c) Rate or Fee Adjustments.

(1) If the FCC adjusts its levels for fees for small wireless facilities, the Township may adjust any impacted rate or fee under Section 626(1)(c), Chapter 13, Part 4, Section 402(14) or Section 626(2)(d), on a pro rata basis, and consistent with the FCC's adjustment.

(2) If, in a final adjudication not subject to further appeal or to review by the United State Supreme Court, a Federal court reviewing Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133 (released September 27, 2018), reverses or repeals the rates outlined in that FCC order, then the monetary caps under Section 626(1)(c), Chapter 13, Part 4, Section 402(14) or Section 626(2)(d) may increase 3% annually beginning January 1, 2021, at the discretion of the Township.

(5) Indemnification. Except for a wireless provider with an existing agreement to occupy and operate in a right-of-way, a wireless provider shall fully indemnify and hold the Township and its officers, employees and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses or fees or any other damages caused by the act, error or

omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way. A wireless provider shall not be required to indemnify for an act of negligence or willful misconduct by the Township, its elected and appointed officials, employees and agents.

(6) General Requirements for Uses of Rights-of-Way. The following apply:

(a) Structures and facilities deployed by a wireless provider under this Section 626 shall be constructed, maintained and located in a manner as to not obstruct, endanger or hinder the usual travel or public safety on a right-of-way, damage or interfere with other utility facilities located within a right-of-way or interfere with the other utility's use of the utility's facilities located or to be located within the right-of-way.

(b) The construction and maintenance of structures and facilities by the wireless provider shall comply with the 2017 National Electrical Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.

(c) An applicant or the applicant's affiliate shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair or maintenance work on a small wireless facility deployed under this Section 626 meets and attests to all of the following requirements:

(1) Maintain all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that is necessary to do business or perform applicable work.

(2) Maintain compliance with the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, the act of December 5, 1936 (2<sup>nd</sup> Sp.Sess., 1937 P.L. 2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.

(3) Has not defaulted on a project, declared bankruptcy, been debarred or suspended on a project by the Federal Government, the Commonwealth or a local government entity within the previous three years.

(4) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.

(5) Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar

training sufficient to prepare workers for any hazards that may be encountered during their work on the small wireless facility.

(7) Construction.

(a) Obligations. Nothing in this Section 626 shall be construed to impact, modify or supersede any construction standard, engineering practice, tariff provision, collective bargaining agreement, contractual obligation or right, Federal or State law or regulation relating to facilities or equipment owned or controlled by an electric distribution company or its affiliate, a telecommunications carrier, an electric cooperative or an independent transmission company that is not a wireless provider.

(b) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

ELECTRIC DISTRIBUTION COMPANY – The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage the internal distribution system serving such building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

FACILITIES – All the plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with, the business of any public utility. Property owned by the Commonwealth or any municipal corporation prior to June 1, 1937, shall not be subject to the Pennsylvania Public Utility Commission or to any of the terms of this Section 626, except as elsewhere expressly provided in this Section 626.

TELECOMMUNICATIONS CARRIER – An entity that provides telecommunications services subject to the jurisdiction of the Pennsylvania Public Utility Commission.

(Ordinance No. 22-3, adopted February 7, 2022)

## CHAPTER 27

### ZONING

#### Part 7

#### Floodplain Management Provisions

**§701. Identification of Floodplain.** The identified floodplain area shall be those areas of Buffalo Township, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 28, 2007, including all digital data developed as part of the Flood Insurance Study, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

**§702. Description of Floodplain Area.** The identified floodplain area shall consist of the following specific areas:

(1) **FW (Floodway Area).** The areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2) **FF (Flood-Fringe Area).** The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis of the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(3) **FA (General Floodplain Area).** The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Township 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 qualification, 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.

**§703. Changes in Designation of Area(s).** The delineation of any of the identified flood-prone area(s) may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents they need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

**§704. Boundary Disputes.** Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

**§705. Technical Requirements.**

(1) General.

(a) 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 been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

(b) 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 Chapter and any other applicable codes, ordinances and regulations.

(2) Special Requirements for Floodway Areas in Zone AE and Zone A.

(a) Within any Floodway Areas in Zone AE, the following provisions apply:

(1) Any new construction, development, use, activity or encroachment that would cause any increase in flood height shall be prohibited.

(2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(b) Within any FA (General Floodplain Area), the following provisions apply:

(1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

(2) Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.

(3) Elevation and Floodproofing Requirements.

(a) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(b) Non-Residential Structures. Within any identified floodplain area, 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 by such structure shall remain either completely or essentially dry during any flood up to that height.

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 place classification standards contained in the publication titled "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 specification for such floodproofing shall be accompanied by a statement certified by a registered professional engineer, architect or surveyor which states that the proposed design and methods of construction are in conformance with the above referenced standards.

The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1 and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(c) Space Below the Lowest Floor. Fully enclosed space below the lowest floor (including basement) is prohibited.

Partially enclosed space below the lowest floor (including basement) 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 floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer, architect, or surveyor or meet or exceed the following minimum criteria:

(1) 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;

(2) The bottom of all openings shall be no higher than one (1) foot above grade;

(3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Secs. R323.2.2 and R323.1.4) and the 2003 IBC (Secs. 1612.4, 1612.5, 1202.3.2 and 1203.3.3).

(d) Requirements for 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 600 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 floodwater.

(5) Power lines, wiring, and outlets will be at least one and one-half (1½) feet above the one hundred (100) year 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 should be adequately anchored to prevent flotation or 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 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 floodwater.

(4) Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(a) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points 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. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized.

(b) Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water 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 sewage 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 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G, Secs. 401.3 and 401.4), the 2003 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

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

(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) Fill. If fill is used, it shall:

(1) Extend laterally at least fifteen (15) feet beyond the building line from all points;

(2) Consist of soil or small rock materials only; Sanitary Landfills shall not be permitted;

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

(4) 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 Zoning Officer; and

(5) Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.

(f) 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 minimum effect upon the flow and height of flood water.

(g) Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, 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 floatation.

(3) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

(h) Floors, Walls and Ceiling.

(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 Regulator 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.

(5) The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).

(i) Electrical Systems and Components.

(1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(3) The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

(j) Equipment.

(1) Water heaters, furnaces, air conditioning and ventilating systems, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

(2) The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405 as amended), and contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Secs. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

(k) 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.

(l) Paints and Adhesives.

(1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

(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.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(4) The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended), the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7) shall be utilized.

(m) 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 §705(7), Development Which May Endanger Human Life, shall be stored at least one and one-

half (1½) feet above the Regulatory Flood Elevation and/or floodproofed in the maximum extent possible.

(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 subsections of this Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

International Building Code (IBC) 2003 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

(5) Special Requirements for Manufactured (Mobile) Homes.

(a) Within any Floodway Areas in Zone AE, manufactured homes shall be prohibited.

(b) Within any Zone A (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

(c) Where permitted within any floodplain area, all mobile 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 one and one-half (1½) feet or more above the elevation of the one hundred (100) year flood;

(3) Anchored to resist flotation, collapse, or lateral movement;

(4) 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 2003 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 shall apply and 34 PA Code Chapter 401-405.

(5) Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1.3) and the 2003 IRC (Sec. R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

(d) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks and manufactured home subdivisions where appropriate.

(6) Special Requirements for Campgrounds and Recreational Vehicles in Floodplain Areas.

(a) Where campgrounds and recreational vehicles are located within a designated Floodway Area in Zone AE, Zoning Permits will only be valid from April 1 through November 1 of each year. All camping units, recreation vehicles, and associated accessory structures or facilities must be removed from the Floodway during the remainder of the year.

(b) Where campground and recreational vehicles are located within any designated floodplain area, a workable evacuation plan must be submitted by the owner as part of his application for a Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.

(c) Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and must be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

(7) 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 Affairs as required by the act, and new or substantially improved structure which:

- Will be used for the production or storage of any of the following dangerous materials or substances; or

- 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

- Will involve the production, storage, or use of any amount of radioactive substances;

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

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chloride
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel oil, etc.)
- (13) Phosphorous
- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur products
- (17) Pesticides (including insecticides, fungicides, and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated)

(b) Within any Floodway Areas in Zone AE, any structure of the kind described in §705(7)(a) above, shall be prohibited.

(c) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in §705(7)(a) above shall be:

(1) Elevated or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above the one hundred (100) year flood; and

(2) Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year 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.

**§706. Activities Prohibited Within Floodplain Areas.** 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:

(1) 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:

- (a) Hospitals;
- (b) Nursing homes; or
- (c) Jails or prisons.

(2) The commencement of, or any construction of, a new manufactured home park, or manufactured home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

**§707. Existing Structures in Identified Floodplain Areas.**

(1) Existing Structures. The provisions of this Chapter 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 §707(2) shall apply.

(2) 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 that would cause any increase in the elevation of the one hundred (100) year flood.

(b) Any modification, alteration, construction, 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 Chapter.



(c) Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(d) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Chapter.

(e) The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

**§708. Variance of Floodplain Management Provisions.**

(1) General. If compliance with any of the floodplain management provisions of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

(2) Variance Procedures and Conditions. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in §803(4) and the following:

(a) No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

(b) Except for a possible modification of the one and one half (1½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Activities Prohibited Within Floodplain Areas (§706) or Development Which May Endanger Human Life (§705(7)).

(c) If granted, a variance shall involve only the least modification necessary to provide relief.

(d) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

(e) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variances may increase the risks to life and property.

(f) In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

(1) That there is good and sufficient cause.

(2) The failure to grant the variance would result in exceptional hardship to the applicant.

(3) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(3) A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

(4) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## CHAPTER 27

### ZONING

#### Part 8

#### Zoning Hearing Board Proceedings

##### **§801. Organization and Procedure.**

(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 Buffalo Township.

(2) Appointment and Membership. The Zoning Hearing Board shall consist of three (3) members who are residents of Buffalo 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 alternatives as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

(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.

**§802. 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:

(1) To Hear and Decide Requests for Special Exceptions. Where the Governing Body, in the Zoning Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria of this Chapter, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the section, as

it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Chapter.

(2) To Hear and Decide Appeals.

(a) The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Chapter, 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 non-conforming use, structure, or lot.

(b) 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.

(c) 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.

(d) The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer, any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

(3) To Hear and Decide Challenges to the Validity of any Land Use Ordinance.

(a) 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.

(b) 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.

(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 Chapter 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. See §708 for additional information regarding variances in the Floodplain Districts.

No variance in the strict application of any provision of this Chapter shall be granted by the Zoning Hearing Board unless it finds:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Chapter in the neighborhood or district in which the property is located;

(b) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(c) That such unnecessary hardship has not been created by the applicant;

(d) 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;

(e) 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 Chapter.

### **§803. Hearing Procedures.**

(1) Parties Appellant Before the Board. Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Chapter 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.

(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.

(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 Chapter 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:

(a) The name and address of the applicant or appellant;

(b) The name and address of the owner of the parcel to be affected by such proposed change or appeal;

(c) A brief description and location of the parcel to be affected by such proposed change or appeal;

(d) A statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and

(e) 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.

(4) Procedure for Zoning Officer.

(a) 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.

(b) It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

(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:

(a) Public notice in accordance with the definition of Public Notice in §202 of this Chapter.

(b) 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;

(c) 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 a 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

(d) 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.

(6) Rules of Conduct. The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Chapter and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meeting 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 show the vote of each member upon each question or if absent or failing to vote, indicate such fact. 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.

(7) Decisions. The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning

Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by finding of specific fact, shall not be deemed finding of fact and shall not be deemed findings of fact and shall not be deemed in compliance with this Chapter.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or finding must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

(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 any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

(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 Chapter, 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, but not less than a majority of all members.

(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 within 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 and/or 45 day 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.

(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.

(12) Appeals. Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Union County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

## CHAPTER 27

### ZONING

#### Part 9

##### Amendments and Conditional Uses – Board of Supervisors

**§901. 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 Chapter, 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.

(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.

(2) **Public Hearing.** The Township Board of Supervisors shall, at a public meeting, establish a date, time and place for a Public Hearing on the proposed amendment. Notice of such Hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the local area. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the perimeter of the affected tract at least seven (7) days prior to the date of the hearing.

(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.

(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.

(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.

**§902. Conditional Uses.** The Township Supervisors may grant Conditional Use approval for only those uses set forth in Part 4 of this Chapter, District Regulations, pursuant to the express standards and criteria for the specified uses outlined in this Chapter. 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 Chapter.

(1) **Application Procedure.** Applications for any Conditional Use permitted by this Chapter 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.

(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:

- (a) The location of the tract of land;
- (b) The present use of the tract for which the conditional use is requested;
- (c) The present use of adjoining tracts;
- (d) The type of conditional use for which the application is made;
- (e) A brief description of the type and extent of the proposed activities;
- (f) An estimate of the total development cost of the conditional use; and
- (g) 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.

(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 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:

- (a) 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;

- (b) Tract boundaries showing bearings and distances;
- (c) Existing significant natural or man-made features of the site;
- (d) Existing and proposed streets, rights-of way, easements, means of access and setback lines;
- (e) Existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- (f) Existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- (g) Proposed grading and drainage plan;
- (h) Proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- (i) Plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- (j) 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 little 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 of the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

(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.

(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 Chapter.

- (a) 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;

(b) Whether the specific site is an appropriate location for the use, structure or condition;

(c) Whether the use developed will adversely affect the neighborhood;

(d) Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

(e) Whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

(f) The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and

(g) Whether satisfactory provision and arrangement has been made concerning the following:

(1) 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;

(2) Off-street parking and loading areas;

(3) Waste collection, storage or disposal;

(4) Utilities, with reference to location, availability and compatibility;

(5) Screening and buffering with reference to type, dimensions and character;

(6) 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

(7) Required yards and open spaces.

(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 finding of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Chapter, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reasons 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.

(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 §902(4) and §902(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 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.

(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.

(9) Appeals. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

## CHAPTER 27

### ZONING

#### Part 10

##### Administration and Enforcement

**§1001. Generally: Appointment of Zoning Officer.** For the purposes of administering and enforcing this Chapter, a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of Act 247. 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 Chapter. The Zoning Officer may be compensated for his work and shall have the duties specified in §1002 herein.

**§1002. Powers and Duties.** The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Chapter and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

(1) Receive and evaluate applications for permits, certificates, variances, conditional uses, appeals and other applications within the terms of this Chapter;

(2) Prescribe the form of all applications, permits and certificates required under the terms of this Chapter;

(3) Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Chapter, 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;

(4) Deny applications for permits which do not meet the requirements of this Chapter, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;

(5) Examine land, buildings, and structures to determine their consistency with the Zoning Chapter at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Chapter shall be made at a reasonable hour and upon presentation of proper credentials;

(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;

(7) Issue written enforcement notices as specified in §1007 of this Chapter where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice 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;

(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.

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 Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse;

(9) 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;

(10) Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding 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;

(11) Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;



(12) Identify and register non-conforming premises in accord with the Non-Conforming regulations of Part 5; and

(13) Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

**§1003. General Procedure: Zoning Permit 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 provision of this Chapter and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

**§1004. Zoning Permits and Certificates.**

(1) Classes of Zoning Permits. Under the terms of this Chapter, the following classes of Zoning Permits may be issued:

(a) Permitted Use – Issued by the Zoning Officer on the authority granted herein;

(b) Special Exception Use – Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;

(c) Conditional Use – Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;

(d) Permit On Appeal or Variance – Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

(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 Part 5; prior to the change or extension of a non-conforming 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:

- (a) Interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- (b) Exterior or interior maintenance and repair to existing buildings or structures including: siding, roofing, painting, storm windows, and similar activities;
- (c) Cultivation of crops;
- (d) Landscaping including the erection of land terraces, steps or other similar features;
- (e) Placement or location of utility distribution lines; or
- (f) Razing of buildings or structures.

(3) Application. Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer 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.

(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 may be necessary to determine compliance with this Chapter 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.

(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 Chapter 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, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

(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.

(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.

(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 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.

(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.

(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.

(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 aspect 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.

(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 Zoning Officer 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.

(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. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

**§1005. Application Requirements for Proposed Construction Within the 100 Year Flood Boundary.**

(1) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

(a) 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;

(b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(2) In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all of the technical information contained in §705) as may be required by the Zoning Officer to make the above determination:

(a) 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) Topographic contour lines, if applicable;

(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 and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;

(5) The location of all existing streets, drives, and other access ways;  
and

(6) 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.

(b) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(1) The proposed lowest floor elevation of any proposed building based upon the National Geodetic Vertical Datum in the most recent FIS Study;

(2) The elevation of the one hundred (100) year flood;

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

(4) Detailed information concerning any proposed floodproofing measures.

(c) The following data and documentation:

(1) 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 one hundred (100) year flood.

(2) Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(3) Detailed information needed to determine compliance with §705(4)(m), Storage, and §705(7), Development Which May Endanger Human Life, including:

(a) The amount, location and purpose of any materials or substances referred to in §705(4)(m) and §705(7) which are intended to be used, produced, stored or otherwise maintained on site.

(b) 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 §705(7) during a one hundred (100) year flood.

(4) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".

(5) 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.

(3) 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 Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

**§1006. 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 Chapter, shall be considered a violation of this Chapter.

**§1007. Enforcement Notice.** If it appears to the Zoning Officer that a violation of this Chapter has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending as enforcement notice stating at least the following:

(1) The name of the owner of record and any other person against whom the municipality intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(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.

(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.

**§1008. 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.

**§1009. Enforcement Remedies.**

(1) District justices shall have initial jurisdiction over proceedings brought under §1009(2).

(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 judgment 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 judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Buffalo Township the right to commence any action for enforcement pursuant to this section.

**§1010. 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.