

COMMUNITY PLANNING & TRANSPORTATION ASSOCIATES

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October 7, 1987

To: Herrick Township Planning Commission
Herrick Township Board of Supervisors

Re: Zoning Ordinance

Enclosed is the revised draft of the proposed zoning ordinance. Changes were made based on our workshop discussions and my discussion with Mr. Carl Pease regarding County Planning Commission comments. The County raised some of the same concerns we discussed at our workshops and suggested the term "non-income producing" be incorporated into the provisions for agricultural dwellings (see Section 409).

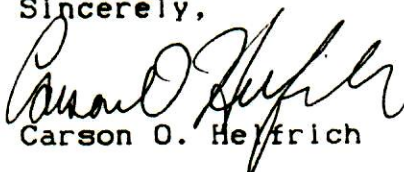
The major changes and additions are as follows:

1. Definitions were added for on and off-site water supply; lot area; agriculture; and clubs and lodges. The definition for off-site sewage was not changed because I believe the definition better serves the purpose than the definition used in the County subdivision ordinance.
2. Added "Adult Stores" section as Section 408.
3. Added "Agricultural Dwellings" section as Section 409.
4. Added exemption from height regulations for silos etc. at Note 6 on Schedule of Development Regulations

Please be sure that the Township Solicitor receives and reviews a copy of the revised draft; and send a copy to Mr. Pease as well.

Contact me if you require any additional information prior to the hearing on October 22.

Sincerely,



Carson O. Helfrich

Please publish the following for two (2) consecutive weeks and provide me with an affidavit of publication along with the bill-these can be sent to Nancy Harvatine-Township Secretary

LEGAL NOTICE
PUBLIC HEARING

PLEASE TAKE NOTE that the Herrick Township Planning Commission will hold a public hearing on Thursday, October 22, 1987, at 7:00 PM at Elk Mountain Lodge to take comments on the proposed zoning ordinance. This ordinance will be known as the Herrick Township Zoning Ordinance and includes the following:

- Article I General Provisions
- Article II-Definitions
- Article III-Basic Zoning Regulations
- Article IV-Supplementary Regulations
- Article V-Non-Conforming Uses and Structures
- Article VI-Administration
- Article VII-Enactment

A copy of the draft of the complete zoning ordinance can be found and reviewed at the County Law Library, Susquehanna County Courthouse, Montrose, PA, during regular business hours at the home of Nancy Harvatine, RD#1, Thompson, PA, at the office of Fields and Bianco, 707 Main Street, Forest City, PA and at the Forest City Library, Main Street, Forest City, PA.

Roseann Swegel
Chairperson
Herrick Township Planning Commission

HERRICK TOWNSHIP
SUSQUEHANNA COUNTY
PENNSYLVANIA

ZONING ORDINANCE

Prepared by the Herrick Township Board of Supervisors and
the Herrick Township Planning Commission with the assistance
of Carson O. Helfrich, Community Planning and Transportation
Associates, SR Box 59, Paupack, PA 18451

10/22/87

HERRICK TOWNSHIP ZONING ORDINANCE

INTRODUCTION

This Zoning Ordinance is enacted under the authority granted to Townships in Pennsylvania by the Municipalities Planning Code and governs the use of land in Herrick Township. The Ordinance includes a statement of purpose, definitions of the key terms and a variety of regulations and procedural provisions.

The regulations include provisions for uses of land, some of which are permitted as a matter of right and others which are permitted only after review by local authorities. The land uses are detailed on the "Schedule of Use Regulations" contained in Article III. Contained in the Schedule of Development Regulations are development standards (i.e. minimum lot size, minimum height, yard requirements, etc.) which apply to each land use.

There are, in addition to the use regulations and general development standards, supplementary standards applicable to certain specific uses and some aspects of all uses provided in Article IV "Supplementary Regulations" of the Ordinance.

The remainder of the Ordinance provides for non-conforming uses (that is, uses which are existing prior to the adoption of the Ordinance and do not meet the standards of the Ordinance); permit application procedures; Zoning Officer responsibilities; and the establishment of a Zoning Hearing Board.

Questions regarding the Ordinance can be directed to the Herrick Township Board of Supervisors.

HERRICK TOWNSHIP ZONING ORDINANCE

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HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE I - GENERAL PROVISIONS

101 Title and Short Title

An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; and the density of population in Herrick Township, Susquehanna County, Pennsylvania. This Ordinance shall be known as, and may be cited as the Herrick Township Zoning Ordinance.

102 Purpose

This Ordinance is created for the purpose of promoting and protecting the public health, safety, and general welfare; coordinated and practical community development; proper density of population; adequate light and air; necessary police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements as well as preventing overcrowding of land, blight, traffic congestion and hazards, loss of health, life or property from fire, flood, panic or other dangers.

103 Community Development Objectives

The Community Development Objectives of this Ordinance shall be identical to the Goals and Objectives for Herrick Township as expressed in the Herrick Township Comprehensive Plan, as adopted by the Herrick Township Board of Supervisors.

The Ordinance is also intended :

- A. To provide the opportunity for safe, decent, sanitary housing and living environments, with the maximum range of choice in type and location for all families and individuals.
- B. To recognize the constraints of the Township's physical environment.
- C. To provide open space to meet future recreation and water supply and other community needs.

104 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and/or general welfare of the residents and inhabitants of the Township.

HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

Accessory Building or Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult Stores/Illicit Businesses: All businesses as defined and regulated by Herrick Township Ordinance # 17 of 1981.

Agricultural Use: The use of any parcel of land containing ten (10) or more acres for economic gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

Alterations: 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.

Bed and Breakfast: see Boarding or Tourist Home

Boarding or Tourist Home: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Campground or Recreational Vehicle (RV) Park: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

Cluster Development: A form of development for single-family residential and/or commercial subdivisions that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

Comprehensive Plan: The Herrick Township Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Herrick Township Board of Supervisors after recommendations by the Planning Commission.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Dwelling, Multi-family: A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

A. Residential Conversion to Apartments - conversion of an existing single-family detached dwelling having been used as such for ten (10) or more years into three (3) to five (5) dwelling units and not exceeding two and one-half (2 1/2) stories in height.

B. Garden Apartment. Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 1/2) stories in height, not including townhouses.

C. Townhouse. Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

D. Medium High-rise Apartment. Multi-family dwellings of more than two and one half (2 1/2) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

Equine: Any animal of, or resembling a horse or the horse family including horses, donkeys and mules.

Family: Either an individual, or two or more persons related by blood or marriage or adoption living together as a household in a dwelling unit.

Farm Stand: A booth or stall on a farm and from which produce and farm products are sold to the general public.

Forestry Enterprises: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, personal care facilities and medical clinics and offices whether publicly or privately operated.

Hotel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Housekeeping Cottages: Small detached dwelling units rented out for occasional use on a daily, weekly or monthly basis.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two or more inoperable vehicles which do not have current licenses shall be considered a junk yard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kennel: The keeping of four (4) or more dogs that are more than six (6) months of age for commercial purposes.

Light Manufacturing: Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, wood products industries and the like.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings, roads, driveways, parking areas, pavement or other impervious surfaces.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Width: The average of the width of a lot at the building setback line and the rear lot line.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment to its location by reason of annexation. Such non-conforming uses include, but are not limited to, non-conforming signs and other structures.

Off-Site Sewage Disposal: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Off-Site Water Supply: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

On-Site Sewage Disposal: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Supply: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Open Space: All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous.

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and raquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Vehicle Park: See Campground

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Tourist Recreational Facility: A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

Transient Use: Occupancy of a dwelling by three or more families at separate times over the course of a year; not including persons who may, during such period, be temporarily staying at the location as a guests of the principal occupant.

Use: The specific purpose for which land or a 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 nonconforming use.

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

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50% of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

The above definitions are also supplemented by those contained in other Herrick Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE III - BASIC ZONING REGULATIONS

301 District Designation

For the purposes of this Zoning Ordinance, Herrick Township is hereby consolidated and designated into an Agricultural-Rural/Residential Zoning District.

302 District Intent

The intent of the Agricultural-Rural/Residential District is to provide for the protection of the health, safety and general welfare of the residents of Herrick Township, to provide for a wide range of uses throughout the Township, and to provide for the orderly and compatible development of all uses in the Township.

303 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land.

304 Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.

Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.

Principal permitted uses, conditional uses and special exception uses shall be limited to one such use per lot or parcel. Two or more such uses per lot or parcel shall be governed by Section 404.1.

Schedule of Uses

Principal Permitted Uses

1. Single family dwellings
2. Two-family dwellings
3. Agricultural uses

Conditional Uses

- | | |
|---|--|
| 1. Multi-family dwellings | 12. Junkyards |
| 2. Cluster developments | 13. Hotels and Motels |
| 3. Mobile home parks | 14. Drive in retail establishments |
| 4. Retail sales establishments | 15. Restaurants |
| 5. Wholesale sales establishments | 16. Warehouses and distribution centers |
| 6. Industrial and manufacturing uses | 17. Truck and bus terminals |
| 7. Hospitals, nursing homes, clinics, and other health institutions | 18. Outdoor and indoor commercial recreation |
| 8. Campgrounds/RV parks | 19. Animal Hospitals |
| 9. Kennels | 20. Financial institutions |
| 10. Excavating and quarrying | 21. Funeral homes |
| 11. Vehicle service stations including sales, repairing and washing | 22. Personal services |
| | 23. Neighborhood retail sales |
| | 24. Professional offices |
| | 25. Private clubs and lodges |
| | 26. Boarding or tourist homes |
| | 27. Bed and breakfast establishments |

Special Exceptions

1. Public and private schools
2. Municipal buildings
3. Civic buildings

Accessory Uses

- | | |
|--------------------------|---|
| 1. Swimming pools | 5. Farm stands |
| 2. Garages | 6. Other uses customarily accessory to permitted uses |
| 3. Carports | |
| 4. Tool or storage sheds | |

304.1 Uses Not Specified in Schedule of Uses

Whenever a proposed use is neither specifically permitted nor denied by this Ordinance, the Zoning Officer shall refer the application to the Zoning Hearing Board who shall, pursuant to public notice, determine the classification of the proposed use as a principal permitted, conditional, special exception or accessory use based upon the proposed use's similarity to other uses which are specifically identified by this Ordinance.

305 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear setbacks; and establishes maximum standards for building height and lot coverage. The Supplementary Regulations contained in Article IV and the Conditional Use Criteria contained in Section 608 may establish additional criteria for specific uses.

SCHEDULE OF DEVELOPMENT STANDARDS

USE CATEGORIES DEFINITIONS

- I Single and two family dwellings
- II Multi-family dwellings
- III Commercial and other non-residential uses not specifically listed in this Schedule.
- IV Industrial, manufacturing, warehouses, distribution centers, truck and bus terminals
- V Hotels and motels
- VI Agricultural uses

Use Category	I	II	III (4)	IV (4)	V (4)	VI
Minimum Lot Area (acres)	2/unit	(1)	2/use	5/use	3/use (3)	(5)
Minimum Average Lot Width (ft)	200	(1)	200	300	250	exempt
Minimum Lot Depth (ft)	200	(1)	200	300	250	exempt
Minimum Front Setback (ft)	50	(1)	50	150	100	50
Minimum Side Setback (ft)	30	(1)	50 (2)	100	75	30
Minimum Rear Setback (ft)	30	(1)	50 (2)	100	75	30
Maximum (6) Building Height (ft)	35	35	35	40	35	35
Maximum Lot Coverage(%)	15	(1)	25	25	25	exempt

NOTES

(1) See Section 403

(2) Side and rear setbacks for these uses may be reduced to 30 feet where the proposed use adjoins an existing non-residential use.

(2) Side and rear setbacks for these uses may be reduced to 30 feet where the proposed use adjoins an existing non-residential use.

(3) The number of hotel or motel units per acre within an individual project shall be determined by the character of the project parcel, design of the proposed project to comply with parking, set back, building height, lot coverage and sewage disposal requirements; but in no case shall exceed five units per acre.

(4) Lot area; lot width and depth; and front, side and rear setback standards are minimum standards and more restrictive standards may be required based upon the conditional use criteria in Section 608 and parking, lot coverage and sewage disposal requirements.

(5) See definition of agriculture.

(6) Height limitations shall not apply to agricultural buildings (except dwellings), flagpoles, church spires, water towers, chimneys or antennas.

ARTICLE IV - SUPPLEMENTARY REGULATIONS

401 Accessory Structures and Uses

401.1 Accessory Structures

All accessory structures shall conform to the minimum yard regulations established in Article III except as permitted below.

- A. Unattached Structures Accessory to Residential Buildings - Structures accessory to residential buildings which are not attached to a principal structure and do not exceed fifteen (15) feet in height and one-hundred (100) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that they conform to the following:
 - 1. Distance from Side Lot Line - Not less than fifteen (15) feet, except in the case of corner lots, where the full side yard as specified in Section 5.203 shall be maintained.
 - 2. Distance from Rear Lot line - Not less than fifteen (15) feet.
 - 3. Distance from Principal Structure - Not less than ten (10) feet.
- B. Unattached Accessory Structures to Non-Residential Buildings - Unattached accessory structures for other than residential structures or uses shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of at least twenty (20) feet.

401.2 Private Outdoor Swimming Pools

Private outdoor swimming pools are permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than 15 feet to any property line.

402 Cluster Residential Development

Cluster residential development is permitted as a conditional use and in addition to the criteria in Section 602 of this Ordinance the following standards shall apply:

402.1 Applications - Cluster development applications shall be processed concurrently with the subdivision approval procedures set forth in the Susquehanna County Subdivision and Land Development Ordinance and all applicable development requirements of said Ordinance shall apply.

402.2 Minimum Size - A minimum parcel size of ten (10) acres shall be required and all lands proposed for a cluster development shall be contiguous.

402.3 Individual Lots - Individual building lots may be reduced to an area of twenty-thousand (20,000) square feet. The total number of units permitted shall be determined by using the conventional district density of one (1) unit per two (2) acres as a basis.

402.4 Minimum Open Space - A minimum of twenty-five (25) percent of the gross area of the tract shall remain as open space. The buffer area required by Section 402.10 shall not be included in the calculation of the open space of this Section 402.4.

402.5 Bulk Requirements - Bulk requirements shall be as follows:

Minimum average lot width: 85 feet

Maximum lot coverage: 35%

Minimum set-backs

front: 25 feet

rear: 15 feet

side: 15 feet

402.6 Water Supply - The cluster development shall be served by an off-site water supply system.

402.7 Sewage Disposal - The cluster development shall be served by an off-site sewage disposal system. A reserve area suitable for a replacement absorption area equal in size to the required area shall be provided and shall be identified on the plan.

402.8 Access - The development shall be served by only one access to any public highway, unless topography or other physical features dictate the use of more than one access for safety reasons.

402.9 Lot Access - Access for individual building lots shall be provided by development roads only and no individual driveways shall be permitted to encroach upon any public right-of-way.

402.10 Buffer - A buffer area of thirty-five (35) feet shall be provided between individual building lots and exterior property lines and/or any public right-of-way.

402.11 Open Space Dedication - All areas of a cluster development not conveyed to individual lot owners and not occupied by required or proposed development improvements shall be dedicated in perpetuity as permanent open space to be used for the sole benefit and enjoyment of the residents of the cluster development. Such open space shall be part of the same parcel and contiguous. Such dedication may be accomplished pursuant to Section 403.3 Subsections A and B.

402.12 Accessory Structures - Setbacks for accessory structures shall meet the setbacks for principal structures.

403 Multi-family Dwellings

403.1 Procedure

Multi-family dwelling projects are permitted as conditional uses subject to the provisions of this Ordinance and shall be considered major subdivisions and land developments subject to the jurisdiction of the Susquehanna County Subdivision Regulations, and shall be processed concurrently with the subdivision approval procedures set forth in said Ordinance. The developer shall submit all information required by the County Subdivision Ordinance and the following additional information:

A. An application for multi-family dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use criteria contained in Section 608 of this Ordinance.

B. A proposed plot plan showing all necessary information to include, but not limited to, the location of all buildings and improvements including roads, parking areas, setbacks, planting strips, signs, storm drainage facilities, water supply and distribution system, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Ordinance. Building layouts, floor plans and profiles indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Herrick Township.

C. Proposed covenants and restrictions for a proposed agreement either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicants' proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that the ownership and/or use of the open space is exclusive to the owners or occupants of the dwelling units and that the ownership and responsibility for the open space and other development improvements is clearly established.

D. No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Subdivision Plan, including DER approval of the "Planning Module", shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary approval. If the Preliminary Plan shall be rejected, no conditional use, building or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed improvements including, but not limited to, streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as (1) Final Plan approval shall have been granted in accordance with the procedures

and informational requirements of the Susquehanna Subdivision and Land Development Ordinance, and (2) buildings have been completed and inspected by the Zoning Officer.

No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or building or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Section, unless approval has been granted and the Plan has been recorded in the Office of the Susquehanna County Recorder of Deeds.

403.2 Parcel Size and Density

A minimum of ten (10) acres shall be required for multi-family dwelling projects and all land proposed for the multi-family project shall be contiguous.

Multi-family dwelling projects may be developed at a density of one (1) unit per one and one-half (1.5) acres. Density shall be calculated by taking the total acreage of the development, deducting the following acreages:

- A. Land contained within public rights-of-way
- B. Land contained within the rights-of-way of existing or proposed private streets, where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet
- C. Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service; and any petroleum products pipeline rights-of-way.

and then applying the density.

403.3 Open Space

All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous and shall be subject to the following regulations:

- A. Open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed.
- B. Open space shall be preserved and maintained as follows:
 - (1) Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 - (2) Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, the open space.

403.4 Design Criteria

The following design criteria shall apply to multi-family developments;

- A. There shall be no more than ten (10) dwellings in each multi-family building.
- B. No structure shall be constructed within fifty (50) feet of any access road to or through the development or within ten (10) feet of any parking area.
- C. Access roads through the development shall comply with the street requirements in the Susquehanna County Subdivision and Land Development Ordinance. No parking space shall be designed such that a vehicle would be backing or driving out onto a through road.
- D. No multi-family development shall be served by more than one access to any public highway, unless topographic or other physical features dictate the use of more than one access for safety reasons.
- E. Parking shall comply with the parking provisions of this Ordinance. In addition to the two spaces per unit required by Section 406.1, there shall also be provided one-half (1/2) additional space for each unit. Each parking area shall have a defined entrance and exit. No more than sixty (60) parking spaces shall be provided in one lot, with not more than fifteen (15) in a continuous row without being separated by landscaping. All off-street parking shall be adequately lighted and designed to direct light away from residences.
- F. All multi-family structures shall be separated by a distance at least equal to the height of the highest adjoining structure.
- G. No multi-family dwelling or any improvement or other structure associated with the development shall be located within one hundred (100) feet of the property lines of any adjacent parcels and seventy-five (75) feet from any public right-of-way.
- H. Where a property line is not adequately wooded, an evergreen planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy. A landscaping plan shall be prepared by the developer for approval by the Township.

403.5 Water and Sewage

All multi-family developments shall be served with community sewage facilities and water supplies. A reserve area suitable for a replacement absorption area equal in size to the required area shall be provided and identified on the plan.

403.6 Non-Residential Use

Non-residential uses shall not be permitted in a multi-family development. This, however, shall not preclude such ancillary facilities as laundry areas, service buildings, recreational facilities and the like. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses, there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregated.

403.7 Conversions of Existing Structures

Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and, moreover, be subject to the provisions of this Section 403. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

404 Special Lot Provisions

404.1 Two or More Buildings and/or Uses on a Parcel

Two or more principal buildings and/or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate zone parcel.

404.2 Side Setback of a Corner Lot

Each setback of a corner lot which abuts a street shall be equal in size to the front setback.

404.3 Clear View at Street Intersections

On any portion of a lot that lies within the triangular area described below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the grade. The triangular area shall be formed by a point on each street center line located seventy-five (75) feet from the intersection of the street center line and a third line connecting the two points.

404.4 Setback Reduction

Front, side and rear setbacks on non-conforming lots of record may be reduced in size in proportion to the size of the lot relative to the normal lot size standard provided no setback is reduced to less than 50% of the setback normally required.

405 Commercial and Industrial Standards

Wherever a commercial or manufacturing or other non-residential use is proposed the following performance standards shall apply (Note - This section shall not apply to agricultural uses):

405.1 Yards and Buffers.

Where a commercial or manufacturing use is contiguous to an existing residential use the minimum side and rear yards shall be increased by fifty (50) percent and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) high shall be maintained.

405.2 Fire and Explosion Hazards.

All activities involving, and all manufacturing, production or storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer. Minimum front, side and rear yards shall be increased to two-hundred and fifty (250) feet.

405.3 Radioactivity or Electric Disturbance.

No activities shall be permitted which emit dangerous radioactivity, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

405.4 Noise.

The outdoor day-night average sound level (DNL) in decibels at the property line shall not exceed sixty-five (65) decibels. The Zoning Officer in the investigation of a violation shall initially estimate DNL using the "Walk-Away Test" as described in the U.S. Department of Housing and Urban Development's 1979 Noise Assessment Guidelines. Should the test indicate a DNL exceeding 65 decibels the Officer shall notify the owner and any aggrieved party of his findings and the potential violation. He shall also recommend appropriate abatement measures. Should a subsequent investigation still indicate a problem the Officer shall determine such average sound level by taking no less than three measurements with a decibel meter, all of which shall occur within 72 hours but no less than 15 minutes apart.

405.5 Vibration.

No vibration shall be permitted which is detectable without instruments at the property line.

405.6 Glare.

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

405.7 Smoke.

No emission shall be permitted from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.

405.8 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

405.9 Other Forms of Air Pollution.

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

405.10 Surface and ground water contamination.

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer.

The Zoning Officer shall ensure these standards are complied with prior to issuing a Certificate of Use for the use.

406 Off Street Parking and Access

406.1 Residential

Two off-street parking spaces shall be provided for each dwelling unit.

406.2 Non-Residential

Applicants for non-residential uses shall provide a statement of anticipated parking requirements and the source for projecting such requirements. The Township shall determine the adequacy of proposed parking and parking space shall be provided based upon the Township's determination.

406.3 Access

All uses shall provide a well defined entrance and exit to the property to prevent uncontrolled ingress and egress.

407 Water and Sewer

All uses shall be provided with an adequate water supply, as demonstrated by evidence to be provided by the applicant, and with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Resources. Any sewage treatment plant facilities or subsurface absorption areas for off-site sewage disposal systems shall be a minimum of fifty (50) feet from any public road right-of-way or exterior development property line and shall not be placed on individual building lots. Evidence of legal rights-of-way for any sewage line not located on the development property shall be provided by the applicant.

408 Adult Stores and Illicit Business

Adult stores and illicit business shall be governed by Herrick Township Ordinance #17 of 1981.

409 Agricultural Dwellings

A total of two dwelling units are permitted in association with agricultural uses provided:

- A. Such dwelling units are not rented or otherwise used for non-agricultural, income producing purposes.
- B. The occupants of such dwellings are members of the immediate family (mother/father; daughter/son) owning the agricultural use or are employed on the premises.
- C. All setbacks are maintained and no dwelling shall be located less than twenty-five (25) feet from any other dwelling or agricultural structure.
- D. Adequate water and sewage pursuant to Section 407 are provided.

HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE V - NON-CONFORMING USES AND STRUCTURES

It is the purpose of this Section to limit the injurious impact of non-conforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this zoning ordinance, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to alter, continue or extend a non-conforming use. The following are regulations which shall apply to the alteration, continuation or extension of non-conforming uses:

501 Definition

A non-conforming use or building shall be a building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or a building, structure or use, planned and under construction in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance or amendment thereto; and which does not conform with the applicable use regulations. A building, structure or use allowed by variance where it is non-conforming with any regulations of this Ordinance shall also be considered a non-conforming use.

502 Normal Maintenance and Repair Activities

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area, or a different nature of use than that existing at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

503 Changes and Additions

All changes and additions to non-conforming uses, excepting those identified above, shall be considered conditional uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Township that the criteria in Section 608 and the following conditions have been, or will be, satisfied.

503.1 Storage of Materials

There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in Section 503.2 below.

503.2 Screening

Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or a dense evergreen screen, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum.

503.3 Yards and Setbacks

No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.

503.4 Storm Water

There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service may be relied on to recommend appropriate measures to control storm water runoff which may be attached as conditions of approval by the Township.

503.5 Parking and Traffic

In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this Ordinance, the Township may require vegetative screening of the parking area from nearby residential areas.

503.6 Extension to Other Properties

The use may only be expanded or extended onto another property of record if: that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property; and the use is not one which has been altogether prohibited as a new use under this Ordinance.

504 Re-establishment

A non-conforming use may be re-established within a period of eighteen (18) months after it has been discontinued or vacated.

505 Restoration or Reconstruction

If any non-conforming use or structure is damaged or destroyed, it may be restored or reconstructed within eighteen (18) months of the date of the damage.

506 Single-Family Dwelling on a Non-Conforming Lot

A single family dwelling may be erected on any existing lot of record, providing a sewage permit may properly be issued and pursuant to Section 404.4

507 Certification of Non-Conformance

In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all non-conforming uses, buildings and lots in existence as of the effective date of this Ordinance or amendments thereto. He shall also issue, upon request, a Certificate of Non-Conformance to any property owner who so requests.

HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE VI - ADMINISTRATION

601 Zoning Officer

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require. Permits for construction and uses which are conditional uses shall be issued only upon written order of the Planning Agency and the Township Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

602 Permits

602.1 Requirements of Permits. A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof (including accessory buildings of 100 square feet or more in size); prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure, nor in the case of accessory uses which do not involve new structures or structural changes to existing buildings.

602.2 Applications for Permits. All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings 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 information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied. Applications for uses which also necessitate approvals under the Susquehanna County Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance.

602.3 Issuance of Permits. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance as well

as with all the provisions of other applicable regulations. A permit issued hereunder shall become void twelve (12) months after the issuance date.

602.4 Temporary Permit. A temporary permit may be authorized by the Board of Supervisors for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.

603 Fees

The Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, special permits, variances and other matter pertaining to this Ordinance.

Said schedule of fees shall be posted in the office of the Zoning Officer.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

604 Inspection

604.1 Inspection by the Zoning Officer. It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections on property for which a permit has been issued:

A. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of Certificate of Use Permit.

605 Certificate of Use

605.1 A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

605.2 No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in

use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.

605.3 A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

605.4 A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.

605.5 A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.

605.6 A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

606 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, occupant and/or contractor, such violation shall be discontinued immediately.

607 Penalties and Remedies

It shall be unlawful to erect, construct, reconstruct, alter and maintain or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation who or which shall violate any of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment of not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of the zoning ordinance shall be paid over to the Township.

If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.

608 Conditional Uses

608.1 Uses specified as conditional uses under District Regulations shall be permitted only after review by the Herrick Township Planning Commission and approval by the Herrick Township Board of Supervisors pursuant to the express standards and criteria set forth below:

A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Herrick Township Comprehensive Plan, this Ordinance and all other ordinances of Herrick Township.

B. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed uses of a similar nature in the area and an objective to provide or maintain a proper mix of uses within Herrick Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental overconcentration of a particular use within the Township or within the immediate area. The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The Board of Supervisors shall, in making its decision, also evaluate the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the Comprehensive Plan, this Ordinance, or any other plan, program, map or ordinance of Herrick Township or other government agencies having jurisdiction to guide growth and development.

D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities and services of the Township, whether such services are provided by the Township or some other agency. The applicant shall be wholly responsible for providing such improvements, facilities, utilities or services as may be required to adequately serve the proposed use when the same are not available or adequate to service the proposed use in the proposed

location. As part of the application and as a condition to approval of the proposed conditional use permit the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of Herrick Township. The permit approval shall be so conditioned.

E. No application for issuance of a conditional use permit shall be approved unless the Planning Agency and the Board of Supervisors shall find that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in Sections 306, 307 and Article IV as well as other portions of this Ordinance shall be met. In instances where the standards contained herein do not adequately protect the general health, safety and welfare of parties effected, the Township shall be obligated to impose such conditions in issuance of a permit. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans, setbacks, special measures addressing sales period activities and other measures which can be effectuated to remove any potential adverse influence the use may have on adjoining uses.

608.2 Certain types of uses shall require the application of additional review criteria as provided by Article IV and V.

608.3 Upon determining that an application for a specific use could only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Herrick Township Planning Commission. The Planning Commission shall review the application within thirty (30) days following its next regular meeting, and may hold a public hearing to receive comment on the proposed use. The hearing shall be advertised once in a newspaper of general circulation no less than seven (7) days prior to the hearing.

The Planning Agency shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been met. Upon receipt of the conditional use application and the recommendation of the Planning Agency, the Township Board of Supervisors shall decide to grant or deny the application, such decision being made solely with respect to the above mentioned criteria. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within fifteen (15) days of the action in person or by certified mail and the reason for the action.

609 Zoning Hearing Board

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The duties of the Zoning Hearing Board shall be limited to the following:

A. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

B. The Board shall hear challenges to the validity of a Zoning Ordinance or map excepting cases where there has been an alleged defect in the process of enactment or adoption and where a landowner, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.

C. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

D. The Board shall hear and decide requests for special exceptions pursuant to the criteria also applying to conditional uses and outlined in Section 408.

E. The Board shall hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development.

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

In all its actions, the Zoning Hearing Board shall follow procedures as provided in Article IX and X of the Pennsylvania Municipalities Planning Code.

610 Appeals

An appeal of this Ordinance, appeal of the decision of the Zoning Officer, request for special exception or request for variance shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

A. The name and address of the applicant.

B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.

C. A brief description and location of real estate to be affected by such proposed change.

D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

E. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.

F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Appeals shall otherwise be processed in conformance with the requirements of Article X of the Pennsylvania Municipalities Planning Code.

611 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

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 Ordinance 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 Ordinance 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, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and

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 Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a re-zoning.

612 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Section 1004 of the Pennsylvania Municipalities Planning Code.

613 Validity

If any sections of this Ordinance shall be found to be invalid, the other sections of this Ordinance shall not be affected thereby.

HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE VII - ENACTMENT

This Herrick Township Zoning Ordinance is hereby enacted into law this _____ day of _____, 1987, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code, to be effective five days hereafter.

ATTEST: _____
Secretary

Supervisor

Supervisor

Supervisor