

GILPIN TOWNSHIP ZONING ORDINANCE
ENACTED – November 21, 2023

**TOWNSHIP OF GILPIN, COUNTY OF ARMSTRONG, COMMONWEALTH OF
PENNSYLVANIA**

ORDINANCE NO. 1 of 2023

**CONCERNING APPROVAL, ADOPTION AND ENACTMENT OF THE GILPIN TOWNSHIP
ZONING ORDINANCE OF 2023 AND ZONING MAP.**

Whereas, Gilpin Township is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and,

Whereas, in accordance with the Pennsylvania Municipalities Planning Code, the Gilpin Township Board of Supervisors prepared an update to the zoning ordinance and map in 2022 and 2023; and,

Whereas, Gilpin Township sent the proposed zoning ordinance and map to the Armstrong County Planning Commission for review and comment and made the proposed zoning ordinance and map available for public review and comment on August 8, 2023; and,

Whereas, Township Supervisors held a public hearing on November 2, 2023, to hear and consider public comments, and that the comments received prior to and at the public hearing were duly noted; and,

Whereas, having made no amendments to the zoning ordinance and map proposed by the Board of Supervisors, the Township desires to enact said proposed zoning ordinance and map.

**NOW, THEREFORE, BE IT ORDAINED BY THE SUPERVISORS OF GILPIN TOWNSHIP
THAT:**

SECTION I. The Gilpin Township Zoning Ordinance of 2023 and accompanying map are enacted under the authority of the laws of the Commonwealth of Pennsylvania and shall take effect on immediately, and remain in effect hereafter until revised, amended or revoked by action of the Supervisors of Gilpin Township.

SECTION II. Township officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose thereof.

SECTION III. Any and all other zoning ordinances, amendments and/or resolutions, or parts thereof, and zoning maps conflicting herewith are repealed insofar as the matters herein are affected.

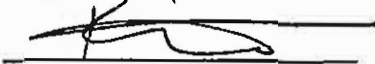
SECTION IV. The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjusted by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of Township Supervisors that this ordinance would have been enacted if such illegal, invalid or unconstitutional clause, sentence subsection or section had not been included therein.

SECTION V. This section shall be effective upon signing of a majority of the Board of Supervisors.

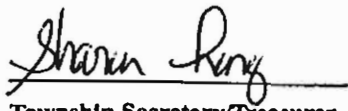
ORDAINED AND ENACTED by the Gilpin Township Board of Supervisors, this 21 day of November, 2023.



Chairman



ATTEST:



Township Secretary/Treasurer



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Official Zoning Map

ARTICLE 1 - BASIC PROVISIONS

§ 101. Title.

This Ordinance may be cited as the Gilpin Township Zoning Ordinance of 2023 or Ordinance 1. of 2023.

§ 102. Effective Date.

This Ordinance shall take effect immediately upon its passage and signing by the Board of Supervisors.

§ 103. Severability and Conflict.

- § 103.1. If any section, subsection, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such action shall not affect the validity or constitutionality of the remaining sections, subsections, clauses, or phrases.
- § 103.2. Where conflicts exist between this ordinance and other ordinances or regulations of the township, or of a higher level of government, or legal restrictive covenants applied by landowners to their property, the ordinance, regulation, or covenant establishing the higher standard for the protection of the public health, safety and welfare shall prevail.
- § 103.3. All Ordinances or parts thereof in conflict with this zoning ordinance, inconsistent with its provisions or less restrictive are hereby repealed to the extent necessary to give this ordinance full force and effect.

§ 104. Purposes of the Ordinances.

This ordinance is deemed necessary:

- § 104.1. To promote the public health, safety, morals, and general welfare;
- § 104.2. To encourage practical and coordinated community development;
- § 104.3. To establish proper density of population in the various districts and provide adequate light, air, and amenity;
- § 104.4. To facilitate the economical revision of adequate public highways and streets, vehicle parking and loading, public transportation, water supply, sewage disposal, public schools, parks and open spaces and other public requirements;
- § 104.5. To prevent the overcrowding or improper or incompatible development or use of land and to prevent blighting conditions and congestion or hazard in travel and transportation;
- § 104.6. To secure safety of health, life and property from fire, flood, panic, noise, noxious fumes, explosion, and other dangers;
- § 104.7. To conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to one another;

§ 104.8. To preserve forests, flood plains, steep hillsides, recreation, and agricultural lands from conflict with intense development and from erosion; and

§ 104.9. To facilitate generally the orderly and compatible growth and expansion of the Township and public programming of improvements.

§ 105. Community Development Objectives.

In addition to the purposes listed in Section 104 the following specific Community Development Objectives are the basis upon which the regulations of this ordinance are established. These objectives are concerned with land use patterns, density of population and the location and function of streets and other community facilities and utilities.

§ 105.1. Gilpin Township is a stable, rural community with limited suburban expansion occurring and some opportunities for new commercial and industrial development.

§ 105.2. Most growth and development has taken place and will continue to occur along the Route 66 - Elders Run corridor or in the vicinity of the village of Forks Church and the intersecting roads because of good highways and the presence of public water lines.

§ 105.3. The areas susceptible to development lack public sewer services. Private on-lot utilities or privately developed limited community systems will have to support new growth.

§ 105.4. The developer's ability to provide and expand community sewer and water systems, or the permeability of the ground he acquires for new construction, will determine the density of residential development. However, new housing should not be limited to single family homes on their own lots. Community unit plans preserving environmental assets, concentrating development, and utilizing various housing types should be encouraged in appropriate locations.

§ 105.5. Environmentally critical areas, including steep hillsides, flood plains and large wooded areas should be protected from development that does not respect the natural amenities, contributes to erosion, or constricts natural stream flow or water run-off.

§ 105.6. Commercial and light industrial growth compatible with the rural character of the Township should be accommodated in order to spread the tax burden over a broad base rather than upon residential and agricultural uses alone.

§ 105.7. Highway commercial expansion should be encouraged in depth rather than in a linear pattern. Neighborhood commercial areas should be located at crossroads on important local roads and should be limited to stores catering to the day-to-day needs of the residents of the neighborhood.

§ 105.8. Light industrial areas should include level, well-drained land, should have access to good roads, railroad sidings or both and should be free of flooding. These areas should create a minimum impact on nearby residences regarding traffic, noise, and air-borne pollution.

§ 106.Official Zoning Map.

- § 106.1. The Township is hereby divided into zones, or districts, as shown on the Official Township Map which, to other with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Ordinance.
- § 106.2. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 704. of this Ordinance.
- § 106.3. The Official Zoning Map, which should be located in the Township Office, should be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- § 106.4. Interpretation of Zone Boundaries - where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Following rules shall apply:
- A. Boundaries indicated as appearing to follow the centerlines of streets, railroads or streams shall be construed as following such center lines;
 - B. Boundaries indicated as appearing to follow property lines or the Township limits shall be construed as following such property lines or limits;
 - C. Boundaries indicated as parallel to a highway, property line or railroad shall be construed to be parallel thereto and at such a distance therefrom as indicated on the map;
 - D. Boundaries whose location cannot be determined by any of the above tests may be measured using the scale of the Official Zoning Map.
- § 106.5. Conflict arising from Interpretation - When there is disagreement on the location of district boundaries, a decision shall be rendered by the Zoning Officer, with appeal from their decision made to the Zoning Hearing Board.

§ 107.Application of Districts Regulations.

The regulations established by this Ordinance within each district shall apply uniformly to each class or kind of structure or land.

- § 107.1. No building, structure or land shall hereafter be used or occupied, and no building or structure, or part thereof shall hereafter be erected, constricted, moved, or structurally altered unless in conformity with all of the regulation specified in this Ordinance for the district in which it is located, or unless a variance has been properly granted.
- § 107.2. No building or other structure shall hereafter be erected or altered:
- A. To exceed the height;

- B. To accommodate or house a greater number of families;
- C. To occupy a greater percentage of lot area;
- D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions at the Ordinance.

§ 107.3. No part of a yard, or other open space, or off-street parking space required adjacent to or in connection with any building for compliance with this Ordinance, shall be included as part of a yard, open space, or off- street parking; space similarly required for any other building.

§ 107.4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance unless a variance is granted in a specific situation.

§ 108.Establishment of Zoning Districts.

Gilpin Township is hereby divided into seven (7) classes of zoning districts as shown on the Official Zoning Map. The regulations that apply in each zoning district are contained in Article 2 below. The general objectives for establishing each class or districts are as follows:

- § 108.1. Recreation (Rec-1) District: This zoning district contains areas along the Allegheny River that contain primarily single-family homes and some camp sites as well as the land encompassing the Gilpin/ Leechburg Park.
- § 108.2. Recreation (Rec-2) District: This zoning district encompasses the Johnetta and Kiski campgrounds.
- § 108.3. Agricultural (Ag) District: The areas in this zoning district are underlain by prime agricultural soil and are used extensively for agricultural purposes. Most properties are large in size, are generally remote from Route 66 and outside the direction of intense Township growth patterns.
- § 108.4. Residential (R-1) District: This district includes land already used for single family homes and is in the path of further such development. It lies in and around the primary transportation corridors in the Township with access to public water supply.
- § 108.5. Residential (R-2) District: This district includes the older built-up areas of the Township abutting Leechburg. This district includes land already used for single-family and multi-family homes and is in the path of further such development.
- § 108.6. Business (Bus) District: This district is along Route 66 where businesses primarily exist. A full range of commercial activities are permitted to serve the day-to-day and long-term needs of Township residents and highway travelers.

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§ 108.7. Industrial (I) District: This district contains existing manufacturing businesses along the Allegheny and Kiskiminetas Rivers with roadway and river access that are removed from residential development by steep slopes. The land is level but parts of it are subject to flooding.

ARTICLE 2 – ZONING DISTRICT REGULATIONS

§ 201. Title.

No building, structure or land in Gilpin Township may be used, and no building or structure may be erected, constructed, reconstructed or altered on or after the effective date of this Ordinance or any amendments thereto, unless intended or designed to be occupied or used for any of the permitted uses enumerated in this Article for the zoning district in which the property proposed for the use is located, or unless approved by the Board of Supervisors, after receiving recommendations from the Planning Commission, for any of the conditional uses listed for the zoning district.

§ 202. Accessory Uses.

An accessory use may be constructed only if built and occupied concurrently with or later than the permitted use to which it is accessory on the same lot.

§ 203. Use Table.

The lists of uses included below are exclusive for each zoning district. Uses permitted by right or conditionally in one zoning district are not permitted in a second district unless specifically listed for the second district (CU=Conditional Use, P=Permitted by Right).

Use	Rec-1	Rec-2	Ag	R-1	R-2	Bus	I	Additional Regulations
<i>Agricultural</i>								
Agricultural Operations			P					303.1
Commercial Kennel or Stable			P					303.1 & 404.6
Marijuana, or Hemp Product, Growing/Processing Facility			CU				CU	404.19
<i>Institutional/Recreational</i>								
Cemetery			CU	CU		CU		404.5
Church and Supporting Facilities			P	P	P	P		
Communications Tower	CU	CU	CU	CU	CU	CU	CU	404.8
Communications Tower, mini	P	P	P	P	P	P	P	
Community Club	CU	CU	CU			P		404.9
Long Distance Utility Transmission Lines	CU	CU	CU	CU	CU	CU	CU	
Municipal or Public Utility Facilities or Structures	P	CU	P	CU	CU	P	P	404.24
Private Non-profit or Public Recreation Areas	P	P	CU			P	CU	
Public or Private School			P	CU	CU	P		404.27
Seasonal Camp	P	P	CU					
Seasonal Campground	P	P	CU					404.29

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Use	Rec-1	Rec-2	Ag	R-1	R-2	Bus	I	Additional Regulations
<i>Residential</i>								
Boarding or Lodging Home	CU	CU	CU	CU	CU	P		404.4
Convalescent or Retirement Home			CU	CU	CU	P		404.11
Dwelling, Multi-Family					CU			404.14
Dwelling, Single-Family	P	P	P	P	P	CU		
Dwelling, Two-Family					P			
Mobile Home Park			CU					404.22
Mobile Home on its own Lot	P	P	P	P	CU	CU		404.23
<i>Commercial</i>								
Adult Uses							CU	404.1
Auto Repair Garage						P	P	404.2
Automobile Sales and Service						P	P	
Bank or Savings and Loan Institution						P		
Barber and Beauty Shops						P		
Billboards	CU	CU	CU			CU	CU	404.3
Commercial Recreation		CU	CU	CU	CU	CU		404.7
Contractors Office			CU			P	P	
Day Care Center			P	CU	CU	P		404.12
Drive-In Theater			CU			P		404.13
Event Center	CU	CU	CU			P	P	
Hospital or Medical/Dental Clinic						P		
Laundromat					CU	P		
Marijuana Dispensary						CU	CU	404.18
Motel/Hotel		CU				P	P	
Movie Theater, Indoor or Outside						P		
Professional Office Building						P	P	
Restaurant		CU				P	P	
Retail						P		
Shopping Center						CU		404.30
Solar Energy System: Small	P	P	P	P	P	P	P	404.32
Solar Energy System: Large		CU	CU				CU	404.33
Veterinary Hospital			CU			P		404.38
Wind Energy System: Small	P	P	P	P	P	P	P	404.36
Wind Energy System: Large		CU	CU				CU	404.35
Wholesale Business						CU	P	404.37

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Use	Rec-1	Rec-2	Ag	R-1	R-2	Bus	I	Additional Regulations
<i>Industrial</i>								
Contractor Storage Yard						CU	P	404.10
Extraction of Natural Resources		CU	CU	CU			CU	404.15
Light Manufacturing						CU	P	404.17
Heavy Manufacturing							P	
Marijuana or Hemp Storage							CU	404.20
Mini-Storage			CU			CU	CU	404.21
Research and Development Laboratories						P	P	
Salvage Yard						CU	P	404.28
Storage Facility						P	P	404.31
Transportation Terminal							P	
Truck and Rail Servicing Areas							P	
Warehousing							P	
<i>Other</i>								
Uses not specifically listed	CU	CU	CU	CU	CU	CU	CU	
<i>Accessory</i>								
Accessory Dwelling	P	P	P	P	P	P	P	
Drive-Through						P	P	
Dwelling, Apartment of Owner or Operator of Business						P		
Home Based Business – No-Impact	P	P	P	P	P	P	P	
Home Occupation	CU	CU	CU	CU	CU	P	CU	404.16
Non-Commercial Keeping of Farm Animals	P	P	P	P	CU	CU		404.25
Seasonal Roadside Stand			P			P		
Garage	P	P	P	P	P	P	P	
Temporary Lodging	CU	CU	CU	CU	CU	CU	CU	404.34
Outdoor Storage of Vehicles			CU			CU	P	404.26
Parking Lot					P	P	P	
Recreation Facilities	P	P	P	P	P	P	P	

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§ 204. Dimensional Standards

§ 204.1. Within each district, buildings and structures shall be erected or enlarged only in accordance with the following standards establishing minimum lot size and width, minimum setback of buildings and structures from lot boundaries, and maximum lot coverage by buildings, lot coverage by buildings and paved surfaces, and site disturbance.

Requirements	Rec-1	Rec-2	Ag	R-1	R-2	Bus	I
Lot Area	0.25 acres (10,892SqFt)	0.25 acres (10,892qFt)	1 acre (43,570SqFt)	15,000 SqFt	0.5 acre (21,785SqFt)	15,000 SqFt	0.5 acre (21,785SqFt)
Lot per dwelling unit	N/A	2,000 SqFt	N/A	N/A	2,500SqFt	N/A	N/A
Lot Width (at building line)	50ft	40ft	175ft	80ft	60ft	100ft	100ft
Front Yard Setback	10ft	10ft	45ft	30ft	10ft	45ft	20ft
Side Yard Setback	10ft	10ft	30ft (10ft min on either side)	30ft (10ft min on either side)	each 10ft	20ft (10ft min on either side)	each 10ft
Rear Yard Setback	10ft	10ft	50ft	20ft	10ft	20ft>	20ft
Rear or Side Yard Setback (abutting a residential zone)	N/A	N/A	N/A	N/A	N/A	50ft	50ft
Maximum coverage of buildings and paved surfaces combined	N/A	N/A	N/A	N/A	N/A	75%	75%

ARTICLE 3 – SUPPLEMENTAL REGULATIONS

§ 301. Lot Yard and Height Requirements.

§ 301.1. Lot Width Measurement and Determination of Lot Area:

- A. Lot width shall be measured in all cases along the front yard setback line but in no case shall the lot frontage abutting the street to which the lot has access be less than forty (40) feet.
- B. When a property extends to the centerline of a street or includes all or part of a street within its boundaries, it shall be assumed that the street has a right-of-way width of fifty (50) feet, or greater where a greater width has been established, and the area of the property for computing lot area shall not include any portion of such street right-of-way.

§ 301.2. Corner Lots:

- A. When a lot abuts more than one street, structures on the lot shall be set back from each street at least the required depth for a front yard in the zoning district. A corner lot will have two (2) side yards but no required rear yard.

§ 301.3. Maximum Number of Principal Structures on a Lot:

- A. No more than one (1) principal structure, to be occupied by the principal permitted use, shall be constructed on an undivided property of lot, except for:
 - a. A farm containing farm buildings and a residence.
 - b. A mobile home park, seasonal campground, or a property upon which a maximum of two (2) dwelling buildings may be constructed provided each building is located so that if the property is later subdivided each building will occupy a lot meeting at least the minimum and setback requirements for the zoning district containing the property.
 - c. A shopping center, which may contain multiple businesses or offices in one or more buildings on one lot.
 - d. Professional office buildings which may contain multiple businesses or offices in one or more buildings on a lot.

§ 301.4. Setbacks on Lots Containing Non-Residential Uses:

- A. Development on a lot containing a non-residential use, where such a lot abuts or is within the residential R-1 or R-2 Districts or the Agricultural District, shall be set back from the lot line common with these zoning districts, or with abutting residential development in accordance with the following:
 - a. Off-street parking areas and access drive - 20 feet
 - b. Church, school, public and professional office buildings - 40 feet;

- c. Commercial and industrial buildings or outside storage areas – 70 feet.

§ 301.5. Setbacks on Partially Developed Streets:

- A. When a vacant lot occurs between two (2) lots containing structures within twenty-five (25) feet of the vacant lot and forward of the front setback line, construction on the vacant lot may be set back from the abutting street the average of the setbacks of the structures on either side of the vacant lot. If a structure exists on an adjacent lot within twenty-five (25) feet of a vacant lot and forward of the front setback line, construction on the vacant lot may be set back from the abutting street the average of the existing structure and the minimum setback required in the zoning district.

§ 301.6. Maximum Permitted Height and Height Measurement:

- A. No principal building on a lot shall exceed fifty-five (55) feet in height and no accessory structure twenty-five (25) feet. Height shall be measured as the vertical distance along the wall of a structure between the average of the highest and lowest elevation at finish grade on the front or rear wall, whichever has the lower ground elevations, and the top of the parapet on a flat roof building or halfway between the eave and ridge on the highest portion of the structure on a sloped-roofed building.

§ 301.7. Height Exceptions:

- A. Chimneys, exhaust stacks, church steeples, flagpoles, water tanks, silos, roof-mounted air handling equipment and communications equipment meeting F.C.C. requirements shall be exempt from maximum height regulations. However, such towers shall be set back from property lines not less than the height of the tower, or the height that the chimney steeple or tank extends above the roof to which it is attached, whichever is less.

[§ 302. Buffering.](#)

§302.1. Screening and Landscaping:

- A. When a commercial or industrial property under development abuts a residential district, a continuous solid screen of evergreen plantings, which when mature shall be not less than five (5) feet in height, shall be located and maintained along the common boundary. The Planning Commission may recommend, and the Board of Supervisors approve an alternate screen consisting of an opaque fence, natural existing woods, differences in elevation paralleling the common boundary, or any combination of these that will minimize the visual intrusion of the commercial or industrial development upon the residential zoning district.

- B. Landscaping features shall be encouraged in the area between the frontage of the property and the structures on it. At least ten (10) percent of this area shall be planted in ground cover, shrubs and trees maintained.
- C. Refuse containers and truck access doors shall be screened by a low wall or shrubbery or shall not be visible from adjacent streets or residences.

§302.2. Hedges, Fences, and Walls

- A. On properties abutting street intersections hedges, fences and walls shall not be permitted adjacent to the intersection to the extent necessary to assure adequate sight distances for motorists approaching the intersection.

§ 303. Accessory and Temporary Uses.

§303.1 Accessory Farm Building

- A. Farm buildings used to house livestock shall not be erected closer than one hundred (100) feet from a property line or street.
- B. Feedlots, runs and pens shall be located as remotely as possible from adjacent residential development and shall if possible be downwind of, and downhill from, such development. In any case drainage from animal holding areas shall not cross adjacent residential plans, except where such drainage was established before residential development begins.
- C. A roadside stand for seasonal sales of agricultural goods may be permitted provided three (3) off-street parking spaces are available, the stand is at least twenty (20) feet outside of right-of-way and signs are removed during the portion of the year the stand is not open.

§303.2 Swimming Pools

- A. Pools shall be enclosed by a fence or wall not less than four (4) feet in height with access controlled by a locked gate or through the dwelling to which the pool is accessory. Farm ponds and natural watercourses are exempt.
- B. Pools shall be located in the rear yard or side yard of the property and shall be set back from property lines at least the minimum distance required for other structures in the zoning district where the property is located.
- C. Pool lighting shall be indirect and shall not cause glare conditions on adjacent residential properties.

§303.3 Temporary Structures

- A. Temporary construction buildings or trailers are allowed but shall be removed immediately upon completion of the work for which they were erected.

- B. A mobile home may be approved by the Board of Supervisors for use on a building lot while a permanent dwelling is under construction or being rebuilt after a fire or natural casualty but not for a period extending two (2) years.

§ 304. Signs.

§304.1 Prohibitions

- A. No signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street shall be permitted.
- B. No sign shall exceed thirty-five (35) feet in height above ground level nor shall a sign be permitted to be placed upon the roof of any structure or to project above the top of any wall of a flat roofed building or above the gutter line of a sloped roofed building.
- C. No sign shall by reason of location or message content create a traffic hazard by obstructing sight distances or creating a visual conflict with traffic regulating devices for motorists. The Zoning Officer may modify other portions of this Section to gain compliance with this paragraph.
- D. No sign shall extend into or hang over a street right-of-way.

§304.2 Permits

- A. A permit issued by the Zoning Officer shall be required before any sign may be erected, except for those that are exempted by Section E below.
- B. Sign permits shall contain the following information provided by the Applicant:
 - a. Name, address and phone number of the applicant, the contractor to erect the sign, and the owner of the property, as well as address of property if different from owner;
 - b. Statement of permission granted by the owner of the property for erection of the sign if owner and applicant are not the same;
 - c. Drawing showing location of the sign on property relative to buildings and property lines, and elevation view of the sign with dimensions of signboard and distances from ground to top of sign noted;
- C. The fee for a sign permit shall be established by vote of the Board of Supervisors. No permit shall be issued by the Township until the applicant has secured, where necessary, the permit from the appropriate state agency.
- D. A permit shall be required for the replacement, enlargement, or moving of a sign or sign face.

- E. The following type of signs shall not require permits;
 - d. Real estate signs;
 - e. Signs denoting designers and/or contractors when placed on the property where the firm is doing work, and to be removed when the work is complete;
 - f. home occupation or other personal name plate or sign;
 - g. Safety zone signs or "no hunting" or "no trespassing" signs;
 - h. Memorial tablet erected by public non-profit organizations;
 - i. Political signs
 - i. Must be erected no more than sixty days prior to and removed within seven days after an election;
 - j. Traffic or other governmental signs authorized and created by a public agency.
- F. The following type of signs shall require permits but not fees;
 - a. Signs put up by public, charitable organizations or religious institutions when located on the same property as the institutions.
 - i. Temporary signs advertising special events of such institutions may be approved by the Zoning Officer in other locations.

§304.2 Maintenance

- A. If the Zoning Officer shall find any sign or sign structure to be unsafe or to have been erected or maintained in violation of this Ordinance, he shall give written notice to the owner citing the conditions found and the actions needed to gain compliance.
- B. If, after thirty (30) days from the date the notice was sent, the corrections have not been made, the owner shall be subject to summary proceedings as provided by Section 740 of this Ordinance, and in addition the Zoning Officer may cause to have the offending sign repaired or removed with the costs assessed the owner, who shall be denied any further sign permits until such costs have been paid in full.
- C. Signs which are found to be causing an immediate menace to the public, as determined by the Zoning Officer, may be removed or caused to be removed immediately by the Zoning Officer without notice and the costs assessed to the owner.
- D. Signs advertising places of business or activities which terminate operations shall be removed by the owner within sixty (60) days of such termination.

§304.4 Signs in the Recreation, Agricultural and Residential Zoning Districts

- A. Permitted Types of Signs:

- a.** Property identification sign limited to name and address of property occupants, and/or name and nature of home occupation conducted in the dwelling, such sign shall be no more than sixteen (16) square feet in area each face.
- b.** Signs indicating property for sale, rental or lease identifying the broker's or owner's name, address and phone number and nature of proposed transaction, such sign not greater than sixteen (16) square feet in area each face.
- c.** Signs identifying a public or semi-public institution and activities carried on by the institution, such signs not greater than twenty-four (24) square feet in area each face.
- d.** Signs identifying designers or contractors employed on the property such sign not exceeding sixteen (16) square feet each face, limited to one (1) sign per designer or contractor.
- e.** Sign providing directions to a property under development when the sign is not on that property, such signs not exceeding sixteen (16) square feet in area each face and limited to no more than four (4) in number per development in the Township.
- f.** Permanent sign identifying the entrance to a plan of lots or residential development, such sign not exceeding thirty-two (32) square feet in area each face and limited to one (1) sign for each entrance to the plan or development.

B. Permitted Kinds of Signs

- a.** Signs applied flat to the principal structure on the property;
- b.** Signs attached to a private lamppost or fence;
- c.** Ground Signs.

C. Location of signs

- a.** Signs shall be located only on the property containing the use identified by the sign except for temporary or directional signs.
- b.** Only one (1) sign shall be permitted on a property except that of a property abuts two (2) or more streets, no more than two (2) signs shall be permitted, no more than one (1) on any street frontage.
- c.** Ground signs shall be located only between the principal structure on the property and an adjacent property than the width of the side yard required in the zoning district where the sign is located.

D. Illumination: See 304.1(A)

§304.5 Signs in the Business and Industrial District

A. Permitted Types of Signs.

- a.** Any type of sign permitted in the Recreation, Agricultural, or Residential zoning districts;
- b.** Sign identifying a business or industry on same property as the business or industry;

B. Permitted Kinds of Signs

- a.** Ground signs;
- b.** Projecting signs;
- c.** Wall signs;
- d.** Pole Signs;
- e.** Billboards (See 404.3)

C. Size of Sign

- a.** Ground signs shall not exceed fifty (50) square feet.
- b.** In the Business District where at least thirty thousand (30,000) square feet of enclosed floor area is occupied for commercial purposes on a property, the owner may erect one (1) ground sign with a maximum area of two hundred (200) square feet on any face or a total area on all faces of not more than four hundred (400) square feet, provided no other permanent ground signs occur on the property.
- c.** Projecting signs shall not exceed in area forty (40) square feet on any face and shall not extend more than six (6) feet from the face of the wall to which attached.
- d.** Pole signs shall have a maximum area of two hundred (200) square feet and shall not exceed thirty-five (35) feet in height.
- e.** Wall signs shall not exceed in area ten (10) percent of the area of the wall to which they are attached, including the area of windows or door. However, regardless of wall area a wall sign of at least sixty (60) square feet shall be permitted.
- f.** Billboards shall be not less than one hundred fifty (150) square feet nor more than four hundred (400) square feet in area for any face. Billboards shall not be located within three hundred (300) feet of any property in the Agricultural, or Residential Zoning Districts.

- g.** Signs may be attached to the vertical edges of marquees or canopies but shall not extend above, below or beyond such edges.

D. Maximum Number of Signs Permitted

- a.** Not more than one (1) sign of each kind shall be permitted on a property except that where a property abuts two (2) or more streets, not more than two (2) of each kind of sign shall be permitted but not more than one (1) of each kind on each street frontage.

E. Location of Signs

- a.** Ground signs shall be located only between the principal building on the property and streets abutting the property and not within thirty (30) feet of a residential zoning district.
- b.** Projecting signs shall be at least eight (8) feet above the ground and at least fifteen (15) feet above an area designed for vehicular passage.
- c.** Pole signs shall be located only between the principal building on the property and streets abutting the property and not within thirty (30) feet of a residential zoning district.
- d.** Wall signs shall be located between the heads of windows and doors on the ground floor of a building and the sills of windows on the second floor, or between the window and door heads and the top of the wall parapet or gutter line above if a one-story building.
- e.** Billboards shall be not more than twenty-five (25) feet in height above the grade of the existing road cartway.

F. Illumination

- a.** See 304.1 (A)
- b.** No sign shall be lighted whose face is within five hundred (500) feet of a residential zoning district.

G. Temporary Commercial Signs

- a.** Temporary commercial free-standing or mobile signs not exceeding in area thirty (30) square feet, may be approved by the Zoning Officer for a period not exceeding thirty (30) days provided such sign meets all requirements of this Ordinance and no more than one (1) such sign is present on the same property at the same time. All requirements of this ordinance relative to permanent signs shall apply to temporary commercial signs.

- b.** Temporary inflatable signs may be approved by the Zoning Officer for a period not exceeding thirty (30) days provided such sign meets all the requirements of this Ordinance and no more than one (1) such sign is present on the same property at the same time.

§ 305. Off-Street Parking.

§305.1 General Requirements

- A. All development proposals, whether new construction or expansion of an existing use, involving a commercial, industrial, or multifamily building shall include off-street parking as required below.
- B. In the case of a public, religious, or philanthropic use whose principal need for parking occur in the evenings and weekends, the owners of the use may provide not more than one-half ($\frac{1}{2}$) of their required parking in nearby lots provided for commercial activities if such parking is secured by a long-term agreement.

§305.2 Dimensional Requirements

- A. Each parking space in a parking lot shall be at least eighteen (18) feet in depth and at least ten (10) feet in width.
- B. The minimum dimension, including access lane, across a double loaded parking aisle with parking spaces at right angles to the access lane shall be at least sixty-two (62) feet, and for a single loaded aisle at least forty-two (42) feet. Where parking spaces form a forty-five (45) degree angle with the access lane the dimensions across a double loaded aisle shall be at least fifty-four (54) feet and across a single loaded aisle thirty-two (32) feet. A parking aisle includes the access lane and the parking spaces to which the lane provides access. A double loaded aisle implies parking spaces on both sides of the access lane.
- C. Parking spaces to serve any non-residential use shall be not more than six hundred (600) feet from the building containing the use and spaces to accommodate a multi-family residential use shall be not more than two hundred (200) feet away.
- D. Where several uses share the same property, the parking required for each use shall be added together to determine the total number of spaces needed on the property.

§305.3 Design Standards

- A. Parking areas serving any commercial, industrial, public, or semi-public use or any residential development where more than two (2) dwelling units share the same parking area shall have an all-weather hard surface. When more than twenty (20) parking spaces

must. be provided, the area shall be paved in asphalt and spaces marked off in white or yellow traffic paint.

- B. Parking areas shall be sloped not less than one half of one percent (½%) and not more than six percent (6%) towards an acceptable storm drainage system. Drainage shall not be permitted to flow across adjacent roads or to flow across neighboring properties if not in an "Established drainage-way or easement created to handle storm water.
- C. Where edges of parking areas slope downhill and parking spaces are arranged at right angles to the slope, stop bars or a curb shall be provided. Embankments closer than twenty (20) feet to a parking lot shall not slope more than one (1) foot vertical rise to each two (2) feet of horizontal run. Where an embankment slopes up from a parking area a swale shall be provided adjacent to the paved surface, sloped to the storm drainage system.
- D. Lighting of a parking area shall not create glare conditions on adjacent roads or properties.

§305.4 Accessible Parking Spaces

- A. Parking spaces for use by persons with disabilities shall meet the 2010 Americans with Disabilities Act (ADA), as amended, Standards for Accessible Design.
- B. Such parking spaces shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.
- C. One (1) ADA parking space shall be required for every twenty-five (25) spaces in a lot.

§305.5 Minimum Parking Standards

- A. Residential Uses
 - a. Single family detached dwelling, two family dwelling, mobile home, or townhouse: two (2) spaces per dwelling;
 - b. Garden apartment building: one and a half (1½) spaces per apartment;
 - c. Retirement home: one and a half (1½) spaces per apartment;
 - d. Lodging and boarding home: one (1) space per lodger or boarder.
- B. Public and Semi-Public Uses
 - a. Church or other place of assembly: one (1) space per three (3) seats or one (1) space per fifty (50) square feet of floor area in an assembly hall without permanent seating;

- b.** School: two (2) spaces per each classroom plus one space per each four (4) students in grade 11 or above;
- c.** Hospital, sanitarium, nursing home or convalescent home: one (1) space for each bed;
- d.** Government or public utility service building: one (1) space per three hundred (300) square feet of floor area;
- e.** Clubs, lodges, or social halls: one (1) space per one hundred (100) square feet of floor area.

C. Commercial Uses

- a.** Retail commercial or personal service store: one (1) space per two hundred (200) square feet of floor area;
- b.** Restaurant or tavern: one (1) space for each two (2) persons who can be seated simultaneously;
- c.** Restaurant not providing sit-down service or providing carry-out service in addition to sit-down service: twenty (20) spaces or ten (10) spaces in addition to those provided for sit-down customers;
- d.** Motel: one (1) space for each sleeping room;
- e.** Office providing walk-in customer services: one (1) space for each two hundred fifty (250) square feet of floor area;
- f.** Office providing no walk-in customer services: one (1) space for each five hundred (500) square feet of floor area;
- g. Recreation Uses**
 - i.** Golf course: twenty (20) spaces for a nine-hole course and forty (40) spaces for an eighteen-hole course plus one (1) space for each four hundred (400) square feet of floor area in the club house;
 - ii.** Skating rink or swimming pool: one space per one hundred (100) square feet of floor area or deck and pool surface area;
 - iii.** Miniature golf or golf driving range: twenty (20) spaces;
 - iv.** Bowling alley: six (6) spaces for each bowling lane;
 - v.** Dance Hall, etc.: one (1) space for each fifty (50) square feet of floor area.

- h.** Outdoor retail sales including automobile sales: one (1) space per five hundred (500) square feet of lot area devoted to sales and service;
- i.** Funeral home: twelve (12) spaces per each reposing room.

D. Industrial Uses

- a.** Manufacturing, research, etc.: one (1) space per each employee on the largest shift or one (1) space per five hundred (500) square feet of floor area, whichever is greater;
- b.** Warehousing, storage, freight terminals, etc.: one (1) space per employee on the largest shift or one (1) space per one thousand five hundred (1,500) square feet of floor area, whichever is greater.

§305.6 Off-Street Loading

- A.** When a business generates delivery traffic on a daily basis, areas separate from required off-street parking spaces shall be set aside for such purpose on the property sufficient to contain the delivery vehicles normally used as well as necessary room for vehicles to maneuver into and out of the loading spaces.

ARTICLE 4 – SPECIFIC USE REGULATIONS

§ 401. General Criteria for Evaluation of Conditional Uses.

§ 401.1. Conditional Uses for each zoning district are listed in Article 2.

§ 401.2. Conditional Uses may be approved by the Board of Supervisors after receiving recommendations from the Planning Commission on each application as specified below.

§ 401.3. The application shall demonstrate that:

- A. The proposed use will not endanger the public health and safety if located where proposed;
- B. The proposed use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, excessive noise, dirt, dust, smoke, glare, or vibration;
- C. The proposed use is harmonious with surrounding development, compatible with its site and in general conformity with the Township comprehensive plan.

§ 402. Procedure for Review of Conditional Uses.

§ 402.1. An application for conditional use shall be filed in three (3) copies with the Zoning Officer, accompanied by the filing fee (see Section 705.)

§ 402.2. The application shall include a written statement addressing Section 401.3 above and a scaled drawing, preferably prepared by a registered architect or engineer showing:

- A. The proposed site including property boundary lines defined by bearings and distances, abutting streets, existing buildings on the property and uses on adjacent properties, utilities available to the site, topography of the site, including areas of steep slope, streams and other drainage ways and wooded sections;
- B. The proposed development including location, size and height of proposed building showing relationship of each building to nearest property lines, proposed use of the building and remainder of the site, location of access points into the site in relation to driveways or streets nearby and across the street abutting the site, proposed site grading

and plan to control and release storm water, and proposed location and layout of parking areas, showing each parking space.

- C. The Zoning Officer may waive portions of the required application that are clearly irrelevant in any particular case.

§ 402.3. The Zoning Officer shall provide the submission to the Planning Commission at its next regular meeting with a copy to the Board of Supervisors. The Commission may hold a public hearing prior to making its decision. The Commission's recommendation shall be made not later than the next regular meeting after the one at which the application was presented. The recommendation may be to approve, reject, or approve the application with certain specific conditions. The recommendation shall be immediately sent to the Township Secretary.

§ 402.4. The Board of Supervisors shall consider the Planning Commission's recommendation at its first meeting after their receipt. The Board must hold a public hearing prior to making its decision and may accept or reject the recommendation or modify the conditions if any that are attached. The Board shall make its decision not later than 45 days of the public hearing. If the developer withdraws their plan for revisions the time limitations shall be suspended. Failure of the Board to make its decision in within the time limit shall be considered an approval of the plan as submitted to the Board unless the developer and Board agree to an extension.

§ 402.5. Failure of the developer to accept conditions, if any, attached to approval shall render an approval void. Having accepted conditions, or received unconditional approval, the developer may apply for a building permit. The permit shall list the conditions that may be attached to approval.

§ 403. General Guidelines for Evaluating Conditional Uses.

§ 403.1. Access – entrance should be located as remote as possible from street intersections and to give motorists the most extensive view of conflicting traffic. The arrangement of interior drives or parking areas should not create congestion at entrance points. Generally, no more than two (2) entrances should be allowed to any property frontage.

§ 403.2. Parking Areas - should be screened from adjacent residential properties by shrubbery, low fence, natural vegetation, or change of grade. Circulation within parking areas should be obvious to motorists and should not create any dead-end lanes. Lighting should be the least needed for pedestrian safety and should be shielded from neighboring residential properties.

§ 403.3. Landscaping - areas not paved or occupied by buildings should be landscaped and maintained.

- § 403.4. Permanent buildings – all businesses and industries should be operated from a permanent building on the site. Any nuisance-creating activities, such as welding, painting, or hammering, should be conducted entirely within an enclosed building designed to eliminate the effects of the activity outside the building.
- § 403.5. Residential use on non-residentially used property - only the dwelling or an apartment of the owner or caretaker should be permitted.
- § 403.6. Overland utility line – they should be cited to create the least environmental damage and minimum clearance within the easement. Use of an easement by several utilities should be encouraged.
- § 403.7. Hours of operation – the Board of Supervisors may control such hours if late night activity might cause hardship to nearby residents.

§ 404. Guidelines for Specific Uses.

§ 404.1. Adult Uses

- A. All adult-oriented establishments shall be a stand-alone use situated on a lot having a minimum area of one (1) acre.
- B. The distance between any adult-oriented establishment and a land use specified below, shall be measured in a straight line, without regard to intervening structures from the closest point on the exterior parcel line of the adult-oriented establishment to the closest point on the exterior parcel line of said specified land use.
 - a. All adult-oriented establishments shall not be permitted to be located within one thousand (1,000) feet of any other adult-oriented establishment.
 - b. No permit will be issued for any adult-oriented establishment which intends to be located within one thousand (1,000) feet of any place of worship; educational facility; public library; child day care or nursery school; public park or playground; or other such child-oriented business.
 - c. No permit will be issued for any adult-oriented establishment which intends to be located within one thousand (1,000) feet of residential district or commercial recreation use.

- C. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
- D. An adult-oriented establishment may be open for business only Monday through Saturday only during hours of operation to be approved by Township Supervisors as part of a conditional use application. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
- E. It shall be a violation of the Zoning Ordinance if a person causes or permits the operation, establishment, or maintenance of more than one adult-oriented establishment in the same building, structure, or portion thereof, or the increase of floor areas of any adult oriented establishment in any building, structure, or portion thereof containing another adult oriented establishment.

§ 404.2. Auto Repair Garages:

- A. All hoists, pits, lubricating, greasing, waiting and other repair facilities and processes shall be entirely within an enclosed building.
- B. Derelict, damaged, or junked cars and discarded parts shall be stored in an enclosed building or behind a solid wall or fence at least six (6) feet high entirely closing the area.
- C. Waste, grease, and oils shall be collected in containers for disposal off the property in accordance with state regulations.
- D. Welding and spray painting shall be done in spaces without windows and shall be vented as required by the State Department of Labor and Industry and PA DEP.

§ 404.3. Billboards

- A. Billboards shall be subject to the following conditions as well as all other applicable requirements:
 - a. Size: see section 304.5 C. (e.).
 - b. No more than one panel (two sides) shall be permitted at one location.
 - c. A minimum of 1,000 feet distance shall be maintained between the proposed billboard and any other proposed or existing billboard. This minimum distance

shall be measured radially from the furthest extension of any proposed or existing billboard sign.

- d. No billboard sign shall be located closer than 100 feet from the nearest property line.
- e. All billboards shall be set a minimum distance of 30 feet back from the street right-of-way line.
- f. No sign shall be more than twenty-five (25) feet high above the grade of the existing road cartway.
- g. If lighted, a nonglare lighting fixture designed for outdoor use shall be used.
- h. If a billboard or any portion thereof is a digital sign or electronically changing message sign, the sign shall be set back a minimum of 1,000 feet from any other off-premises digital sign or electronically changing message sign.

§ 404.4. Boarding or lodging home

- A. A boarding or lodging home may have no more than two (2) boarders, in addition to the resident family.
- B. May be operated as a home occupation in any single-family dwelling provided that the owner of the dwelling is a resident of the dwelling.

§ 404.5. Cemetery

- A. A program for perpetual care of the facility acceptable to the Township Solicitor shall be provided for new or expansion of existing cemeteries.
- B. All structures used in the maintenance of the cemetery shall be screened from view of nearby residences by evergreen plantings or solid fence.
- C. All crematoriums shall be located as remote as possible from and downwind of nearby residential properties, or at or near the center of the cemetery.

§ 404.6. Commercial Kennel or Stable

- A. Kennels shall be subject to the following requirements:
 - a. COMPLIANCE – The applicant shall present evidence that the proposed facility will comply with all applicable laws and regulations concerning the housing of

animals, including but not limited to the Dog Law, 3 P.S. § 459-101 et seq. and the regulations of the Pennsylvania Department of Agriculture.

- b. LOT SIZE** – The minimum lot area shall be 3 acres.
- c. NOISE** – The exterior walls of the structure that house the animals shall sufficiently be soundproofed to prevent excess noise from leaving the structure. Specifications of the soundproofing materials shall be submitted at the time of application for a special exception.
- d. OUTDOOR AREAS** – All outdoor running and play areas shall be enclosed with a minimum six-foot-tall fence to prevent the escape of any animals. The fencing details should be submitted with the special exception application. The fence shall not be permitted to be a chain-link type fence unless evergreen plantings equal in height to the fence are proposed to fully screen the fence from view from neighboring properties. All outdoor running and play areas shall be set back at least 50 feet from neighboring properties.
- e. SETBACKS** – No animal shall be permitted to be permanently kept outside of an enclosed structure. The enclosed structures that house the animals shall be a minimum of 50 feet from neighboring properties.
- f. WASTE** – The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal waste shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.

§ 404.7. Commercial Recreation

- A.** Lighting shall be the least needed to illuminate the activity and shall not create glare conditions on adjacent properties.
- B.** The development shall involve the least amount of earth movement and clearance of trees and other vegetation to accommodate the activity.
- C.** When the activity is not in use, the entrances shall be secured from vehicular access and the name, address, and phone number of the owner and/or operator shall be filed with the Township police department.
- D.** Any club shall be a chartered fraternal, social, civic, or professional organization and shall be operated to the benefit of its members only and not to make profit.

- E. Any recreation facility shall have on the premises when the facility is in use portable or permanent areas and restrooms attached to a sewage disposal system acceptable to the Sewage Enforcement Officer.

§ 404.8. Communications Tower

- A. The applicant shall submit notice of approval for the proposed installation from the FAA and the FCC.
- B. Unless co-located upon another existing structure, the applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
- C. The maximum size of an equipment shelter should be five hundred (500) square feet.
- D. All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- E. The applicant must be licensed by the Federal Communication Commission (FCC).
- F. No tower shall be artificially lit except when required by the Federal Aviation Administration (FAA).
- G. No new site shall be located within five hundred (500) feet of:
 - a. The nearest property line of any adjoining property used for an existing residential use.
 - b. The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed.
 - c. The nearest property line of any lot proposed for residential purposes which have been submitted for preliminary or final subdivision plan approval.
- H. If an antenna site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.
- I. The applicant shall submit a plan for the removal of the communication tower and the communication antenna when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility, or the facility becomes obsolete.
- J. For any new site adjacent to any other properties, all structures shall be set back from each property line a distance equal to its height, but in no case shall any structure be permitted to be located within any required minimum setback.
- K. If the site is in the Ag Zoning District, the applicant shall demonstrate that the proposed location is located on the least productive soil (Class IV-VIII).

- L. In order to reduce the number of antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate the maximum load of carriers and equipment.
- M. The applicant shall submit expert testimony that the communication tower or antenna is the minimum height required to function satisfactorily.
- N. Any utilities extended to the tower site shall be placed underground.

§ 404.9. **Community Club** (when proposed in the Rec-1, Rec-2 and Ag Districts)

- A. A community club shall not be established or operated within 300 feet of an existing bar, nightclub, or liquor store.
- B. All parking and service areas shall be located to the rear of the lot and properly screened. All screens shall have a minimum height of eight feet and a minimum opacity of 80%.
- C. Any additional standards that are needed to protect the public health, safety, and welfare or to address unique characteristics of a particular lot defined by the Township Zoning Hearing Board shall be complied with by the landowner and/or developer.
- D. The private club's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise or disturbance.

§ 404.10. **Contractor Storage Yard**

- A. All sales and servicing shall be done from a permanent building or buildings on the property.
- B. Outdoor sales area shall be covered with an all-weather dust-free surface.
- C. Sales areas and contractors' storage yards shall not elope towards adjacent streets unless drainage is intercepted by an underground storm water system.
- D. Outdoor storage areas of used auto parts, damaged vehicles or contractors' materials and equipment shall be screened from adjacent streets and residential properties by a solid fence at least five (5) feet in height.

§ 404.11. **Convalescent or retirement home**

- A. The facility shall be accredited by the Commonwealth and sole occupant of the property.
- B. The property shall provide for at least 2,500 square feet of lot area per bed or resident if in the R-2 District, 5,000 square feet of lot area per bed or resident if in the R-1 District or 10,000 square feet of lot area per bed or resident if in the Agricultural District.

§ 404.12. **Day Care Center**

- A. A Day Care Center is to allow for seven (7) or more persons unrelated to the operator.
- B. A family day care is to accommodate not more than six (6) persons not resident in the home and may be operated as a home occupation in any single-family dwelling occupied by its owner and located in the Agricultural or Single-Family Residential zoning district.
- C. A foster-care home in which not more than six (6) persons placed by a court order or by an agency of the Commonwealth are resident and supervised by a full-time staff person or persons under approval by the Commonwealth, may occupy a single-family dwelling provided at least five (5) off-street parking spaces are present on the property, and the property is located in the Ag or Bus Zoning Districts.

§ 404.13. **Drive-in Theater**

- A. Driveways on the property leading to ticket gates shall have the length to store thirty-five (35) percent of the theatre's capacity.
- B. The Theatre screen shall be located so as not to be visible from any abutting or nearby street.
- C. Sound shall only be available from speakers at individual parking stalls.

§ 404.14. **Dwelling, Multi-Family**

- A. Each apartment or townhouse shall contain its own toilet and washing facilities in a separate room as well as a stove or cook-top, refrigerator and food preparation area, and an off-street parking space on the same lot as the building.
- B. Sewer and Water Services: Each apartment on the same lot shall be connected to a sewage treatment system acceptable to the Sewage Enforcement Officer and water supply system acceptable to the Pennsylvania Department of Environmental Protection (DEP). The developer shall establish a public utility company to operate the systems if a public system is not available.
- C. Dwelling Size: Each apartment shall contain at least the following enclosed floor area, not including common areas shared by several units, such as halls and stairways:
 - a. Efficiency apartment intended for single occupancy: 200 square feet.
 - b. One-bedroom apartment: 320 square feet.
 - c. Two-bedroom apartment: 450 square feet.

§ 404.15. Extraction of Natural Resources

- A. The purpose of this section is to allow the Township to review proposals for strip mining (coal, gravel, or sand), well operations (oil and gas), and commercial forestry in order to assure minimum environmental damage in the areas surrounding the activity. The purpose is not to override the regulations or orders of the State Department of Environmental Protection (PA DEP) or encroach on its jurisdiction.
- B. The extraction of minerals, oil, or gas from subsurface areas of the Township or forest products from the surface are conditional uses in the Ag, R-1, and Bus Zoning Districts with a minimum lot size of five (5) acres in the R-1 and Bus Zoning District. Before such activities may commence the prospective operators shall present to the Planning Commission the following documentation as a basis to judge the appropriateness of the proposed operation on the selected site and the likely impact of it on the neighborhood:
 - a. Application in form that it will be submitted to PA DEP and/or the following documentation;
 - b. Map of the proposed site indicating, among other items, access roads into the site, proposed grading, sedimentation, and erosion control measures, means of disposal of waste liquids, location of existing roads, structures, streams, and wooded areas; location of area to be mined, or oil or gas well, or area to be forested;
 - c. An Erosion and sedimentation control plan;
 - d. Provisions to guarantee that ground well water loss or diminished by extraction activities will be replaced when such water source as been in use prior to the start of the mining operation;
 - e. Statement of the sequence and timing of a proposed mining activity over a period of years by specific areas, to be worked;
 - f. Statement of proposed activities to return the site, after completion of work in specific areas, to its original or near original condition, including means of grading, revegetation, drainage, removal of access roads and other facilities used to conduct the work, repair of damages to roads or utilities and proposed permanent use of the site;

- g.** The map and any proposed amendments to the information required above shall be submitted annually to the Township for review. The map shall indicate the current status of the operation and work scheduled for the next year;
- h.** The developer shall submit a bond or establish an escrow account in favor of the Township to cover the repair of Township roads that provide access to a mining site.

§ 404.16. Home Occupation

- A.** Where permitted, who may Operate: A home occupation may be conducted within a single-family dwelling by the owner occupant, or by a renter-occupant with the owner's written permission. A home occupation will require a permit to operate issued by the Zoning Officer.
- B.** Floor Area Limitations: Not more than fifty (50) percent of the total floor area in the dwelling may be utilized for home occupation.
- C.** Additions and Modifications: No additions to the dwelling or modifications to the exterior appearance of the dwelling to accommodate the home occupation shall be permitted.
- D.** Non-Resident Employment: Not more than two (2) persons not residing in the dwelling may be employed in the home occupation.
- E.** Sale of Dwelling Containing an Approved Home Occupation: When a dwelling containing a home occupation is sold the buyer shall, if they choose to continue or change the home occupation, apply to the Zoning Officer for re-approval.
- F.** Signage: One free-standing sign or a sign attached to a lamp post not more than four (4) square feet in area on any face may be placed in the front yard area of the property to advertise the home occupation.

§ 404.17. Light Manufacturing

- A.** ACTIVITIES – All activities shall take place indoors.
- B.** SAFETY – The facility shall be so designed and so constructed that there shall be no danger to the health, safety or welfare of Township residents or persons on adjoining properties.
- C.** VENTILATION – All ventilation systems shall be so designed that any smoke, fumes, or odors shall not be directed towards abutting properties.

- D. BUFFER – Buffer planting is required when adjoining a residential zoned district.

§ 404.18. **Marijuana Dispensary**

- A. Operators must present an official license from the Pennsylvania Department of Health to the Township and follow all applicable regulations.

§ 404.19. **Marijuana or Hemp Growing/Processing Facility**

Establishment of a marijuana or hemp growing/processing facility is subject to the following regulations:

- A. A marijuana or hemp grower/processor may grow marijuana or hemp only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- B. The maximum floor area of a marijuana or hemp processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana or hemp seeds, related finished product, and marijuana or hemp related materials used in production or for required laboratory testing.
- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where marijuana or hemp growing, processing, or testing occurs.
- D. Marijuana or hemp remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other marijuana or hemp facilities. Retail sales and dispensing of marijuana or hemp and related products is prohibited at marijuana or hemp grower/processor facilities.
- F. Grower/processors may not be located within 1,000 feet of the property line of a public, private, or parochial school or day care facility.
- G. Buffer planting is required where a marijuana or hemp grower/processor adjoins a residential use or district.

§ 404.20. **Marijuana or Hemp Storage**

- A. A marijuana or hemp storage facility must meet all state and federal guidelines.
- B. A marijuana or hemp storage facility may store marijuana or hemp only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The

storage facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where marijuana or hemp storage occurs.
- D. Marijuana or hemp storage facilities may not be located within 1,000 feet of the property line of a public, private, or parochial school or day care facility.
- E. Buffer planting is required where a marijuana or hemp storage facility adjoins a residential use or district.

§ 404.21. **Mini-Storage**

- A. No activities other than rental of storage units shall be allowed on the premises. No hazardous materials or substances shall be permitted to be stored in the buildings.
- B. A lot used for this purpose shall not be less than one acre.
- C. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances.
- D. Buildings shall be:
 - a. So situated or screened that overhead access doors are not facing adjacent streets;
 - b. Masonry construction up to a minimum of six feet above grade; and
 - c. A maximum of 20 feet in height.
- E. All driveways within the site shall have a minimum width of 25 feet, and there shall be no dead-end driveways.

§ 404.22. **Mobile Home Park**

- A. The minimum site required for a mobile home park shall be 5 acres.
- B. The total density of a mobile home park shall not exceed six mobile homes per acre.
- C. The minimum yard requirements for each mobile home lot shall be 25 feet for front yards, 20 feet for rear yards, and 10 feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab. Carports or parking pads may be located in the required side yard.
- D. The site shall be served by public sewers.

- E. All mobile homes shall be required to have skirting installed.

§ 404.23. **Mobile Home on its own Lot.**

- A. Such mobile homes shall meet all the requirements of this Ordinance for single family homes.
- B. Mobile homes shall be supported directly upon at least two (2) masonry piers extending at least three (3) feet below grade and providing stable bearing for the structure. The area between the bottom of the home and the ground below shall be ventilated but completely enclosed by a metal, vinyl, or masonry skirting.
- C. Mobile homes shall be placed on their foundation and skirted not more than thirty (30) days after arrival on the property.
- D. Mobile Homes shall be securely held to their foundations by built-in or exterior tie-downs each corner of the home and each capable of resisting a strain of not less than 4,800 pounds.
- E. No mobile home shall be occupied until the Zoning Officer has verified that it has been connected to a sewage disposal and water supply system approved by the Sewage Enforcement Officer.
- F. No mobile homes lacking toilet and washing facilities or cooking and food storage facilities or any of these shall be permitted, nor shall any self-propelled vehicles used as living accommodations or travel trailers designed for temporary occupancy be permitted for residential purposes for a period exceeding fourteen (14) days.
- G. It shall be unlawful for a mobile home to be removed from Gilpin Township until all taxes owed on the property or by the residents of the mobile home have been paid in full, as verified by the Township tax collector.

§ 404.24. **Municipal or Public Utility Facilities or Structures**

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of surrounding open space.
- B. If the parking area for a public works facility is adjacent to a single-family residential lot, the following shall apply:
 - a. An additional twenty-foot setback with 1.5 times the required number of plants for screening and buffering activities that occur on the premises.

- § 404.25. Non-commercial Keeping of Farm Animals.**

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- A. Inoperable motor vehicles stored outdoors or in an open-sided carport must be screened from abutting property and the public right of way by a legally permitted solid structure or fence, or by dense landscaping at least six (6) feet in height.
- B. No repair of vehicles or equipment shall be permitted outside a completely enclosed structure.
 - a. This does not pertain to properly registered vehicles.

§ 404.27. **Public or Private School**

- A. Any access drive that will serve for passenger drop-off and pickup shall have direct access to a collector or arterial roadway, as defined by this Ordinance.
- B. Passenger drop-off and pick up areas shall be designed so as to prevent traffic congestion on public roads at points of ingress and egress to the school. A common parking area or other means of pull-off shall be provided and be acceptable to the Township for the purpose of passenger drop-off or pick up.
- C. All means of ingress and/or egress shall be located and designed to accommodate traffic in a safe and efficient manner. Applicant shall provide turning exhibits or other documents to demonstrate that all vehicles intended to use the site can safely access the proposed ingress/egress points for the school.
- D. Any outdoor play and recreation areas shall be set back at least 25 feet from any adjoining land within a residential district or lot that is available for residential use. The play and recreation areas shall be appropriately fenced or otherwise screened to prevent errant objects from leaving the site onto adjoining properties or roadways. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings of equal or greater height than the fence.
- E. All parking lots shall be set back in accordance with the regulations of the zoning district in which the school is located, except that parking and loading areas shall be set back at least 25 feet from any land within a residential district, or lot that is available for residential use.
- F. Building setbacks shall be in accordance with the zoning district in which the public or private school is proposed, except that all buildings shall be set back at least 50 feet from any adjoining land within a residential zone or lot that is available for residential use. Front yard setbacks shall comply with the zoning district in which the use is located.

§ 404.28. **Salvage Yard**

- A. Burning or incineration shall be prohibited.
- B. The storage of any combustible materials, such as gasoline, oil, or related items, shall be placed in fireproof containers and stored within fireproof sheds.
- C. Whenever any motor vehicle shall be received on such premises for salvage, all gasoline, oil, antifreeze, transmission fluid, Freon and/or other toxic fluid or hazardous material shall

be drained and/or removed from said vehicles and disposed of in a manner consistent with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection (DEP).

- D. Fire lanes of a minimum width of twenty (20) feet shall be provided for every forty (40) linear feet for firefighting equipment and safety purposes.
- E. Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.
- F. Gasoline tanks shall be removed from all motor vehicles prior to recycling said vehicles.
- G. Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday through Saturday from 7:00AM to 7:00PM, local time.
- H. The minimum lot area shall be 2 acres.
- I. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.
- J. All salvage yards shall be completely screened from view on all sides by a buffer yard of a solid fence or stone wall with cork fitting, ten (10) feet in height with two staggered rows of evergreen trees planted in front of the fence with the spacing distance between trees not less than eight (8) feet or greater than ten (10) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. The required fence shall be no closer than ten (10) feet to any property line. The buffer yard shall not be occupied by any building, parking, outdoor storage, or any use other than open space and approved vegetative plantings.
- K. Salvaged Materials shall not be stored within one hundred (100) feet of any adjoining property line or nearer than one hundred (100) feet to any adjoining or abutting street.
- L. The manner of storage and arrangement of salvaged materials and the drainage on the site shall be such as to prevent the accumulation of stagnant water upon the premises. A stormwater drainage plan shall be required.
- M. There shall be no stockpiling of motor vehicles, or any salvaged materials piled higher than eight (8) feet.
- N. No garbage, organic waste, rubbish, toxic materials, and hazardous materials as defined by the United States Department of Transportation shall be stored for more than five (5) consecutive business days on such premises.

§ 404.29. **Seasonal Campground**

- A. It shall be the responsibility of the campground owner or manager to ensure all necessary permits are secured prior to any building.
- B. The site shall be designed so that soil conditions, groundwater level, drainage, and topography shall not create hazards to the property, health, or safety of the occupants or adjacent property owners.
- C. Length of Residential Occupancy: Parks shall be designed to serve the short or long-term placement of residential structures, recreational trailers/vehicles, and accessory buildings not intended for year-round use.
- D. Individual Lots: The planning and location of individual lots shall be guided by the following requirements:
 - a. Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
 - b. Each lot shall have a minimum lot width of 40 feet and a minimum area of 2,000 square feet.
 - c. Yard Requirements:
 - i. There shall be a minimum of ten (10) feet between each campsite.
 - ii. There shall be a minimum of 25 feet between a camp site and the paved area or cartway of an interior park street or common parking area. The setback from the right-of-way of any public street or highway shall be 50 feet.
 - iii. Secondary entranceways may utilize stoops, landings, patios, or awnings which may extend a to a depth of five (5) feet within yard requirements.
 - d. Identification: Each lot shall have a number placed on the lot in the form of a sign or directly on the mobile home. It shall be arranged in such a way so that it is visible from the road on which the mobile home or lot is fronting.
 - e. Drainage: Drainage and storm water management plans shall be submitted with the preliminary plan.

§ 404.30. **Shopping center or stores with over 10,000 square feet of floor area**

- A. Truck servicing areas shall be separate from parking areas.
- B. There shall be continuity in the building design facing public streets or parking lots. Evidence of continuity may be shown by a common facing material across the façade, a uniform window and door heights and roof line.

- C. Areas of the property set aside for parking, truck serving, or circulation shall not be used for outside seasonal sales, nor shall sales occur from trailers or trucks parked on the property.

§ 404.31. **Storage Facility**

- A. The minimum site area shall be four (4) acres.
- B. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- C. The maximum size of any storage unit shall be 15 feet wide, 40 feet deep and one story but no more than 20 feet in height.
- D. Office space may be provided which shall not exceed 5% of the total floor area devoted to storage.

§ 404.32. **Solar Energy System, Small**

- A. A small solar energy system shall be permitted as an accessory use in specified areas subject to the following minimum standards:
 - a. All solar energy equipment shall be located on the parcel or plot of land of record in which the principal use is located, with the exception that power lines or any related equipment to the solar energy system may be located on an adjoining parcel or plot of land of record provided it will comply with all applicable virtual net metering laws of the public utility provider.
 - b. Power generated by the solar energy system shall provide power only for the principal use it services; any excess power generated by the solar energy system shall only be sold or acquired by a public utility in accordance with law or other governmental regulations.
 - c. All mechanical equipment associated with and necessary for the operation of the solar energy system, which is ground-mounted, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the Township. The fence shall be made of wood, masonry, durable plastic, or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.

- d. Solar Access Easements:** A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s). All solar access easements shall be recorded in the office of the Armstrong County Recorder of Deeds.
- e. Solar collectors** shall be installed to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. Should any glare or concentrated solar radiation prove to be visible beyond the property line at any time subsequent to the installation of the system such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the traveling public, the Township may at its discretion require mitigating action or the removal of the system or portion thereof generating the glare or reflected solar radiation. Should any mitigation or removal deemed necessary by the Township fail to be dealt with in accordance with the Township's determination within 180 days of notification of the landowner, the Township may implement such mitigation or removal as it deems necessary, cost therefore to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property.
- f. The solar energy system** shall be kept in good repair and sound condition. Upon abandonment of the use, the solar panels and any related structures and equipment shall be dismantled and removed from the lot within 60 days.
- g. Ground-Mounted Systems:**

 - i. No part of a ground-mounted solar energy system** shall be located any closer than 15 feet from any side or rear property lines. No part of a ground-mounted solar energy system shall be located between the principal structure on the property and the public street right-of-way, notwithstanding the aforesaid requirement.

- ii. Ground-mounted solar energy systems 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 storm water conveyance system.
- iii. Ground-mounted solar energy systems shall not be placed in a manner that would cause a violation of any other section of the zoning ordinance, such as minimum parking requirements, required buffer yards or other landscaping requirements, maximum impervious coverage limitations or any other applicable standards.
- iv. Ground-mounted panels of a solar energy system shall be counted toward a given property maximum impervious coverage requirements unless the applicant can demonstrate that storm water will infiltrate into the ground beneath the solar panels at a rate equal to that of the infiltration rate prior to placement of the panels.
- v. Ground-mounted solar energy systems shall not exceed a height of 20 feet.
- h. Roof-Mounted Systems:
 - i. Roof-mounted solar energy systems shall not extend beyond the peak elevation of the top of the roof on which the panels are to be constructed.
 - ii. If the solar panels are to be constructed on a flat roof, no part of the solar energy system shall exceed beyond the maximum height requirements for the zoning district in which the building is located.
 - iii. Roof-mounted solar energy systems shall not be counted as adding to any impervious coverage calculation.

§ 404.33. Solar Energy System: Large

- A. A large solar energy system shall be in specified areas subject to the following minimum standards:
 - a. The minimum lot size for any large solar energy system shall be five acres.
 - b. Large solar energy systems shall be set back a minimum of 100 feet from any public right-of-way, any lot line, and/or any residential use.

- c.** Notwithstanding lot coverage limitations set forth in the base zoning district(s), the maximum impervious coverage for a large solar energy system and any accessory or appurtenant structures shall be 20% of the lot area.
- d.** All mechanical equipment associated with and necessary for the operation of the large solar energy system that is not mounted on a building wall, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the Township. The fence shall be made of wood, masonry, durable plastic, or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.
- e.** Solar Energy Systems shall not be artificially lit except to the extent required for safety or by any applicable federal, state, or local authority.
- f.** Solar Energy Systems and appurtenant or accessory structures shall not display any advertising, except for reasonable identification of the panel or other equipment manufacturer, and the facility owner.
- g.** Solar Energy Systems shall be located where there is a means of vehicular access from a public or private street.
- h.** A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Armstrong County Recorder of Deeds.
- i.** Solar collectors shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. The Applicant or

the installer or manufacturer of the Solar Energy System shall submit with the application for permit, as applicable, a signed statement including the following:

- i.** Certification that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the Solar Energy System shall be located such that a nuisance situation is created;
- ii.** Acknowledgement that, should any glare or concentrated solar radiation produced prove to be visible beyond the property lines of the property upon which the Solar Energy System shall be located, at any time subsequent to the installation of the system, such that, as stated by the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the traveling public, the Township may at its discretion require mitigated action or may require the removal of the system or portion thereof generating the glare or reflected solar radiation;
- iii.** Acknowledgement that, should any mitigation or system removal deemed necessary by the Township fail to be dealt with in accordance with the Township's determination within 180 days of notification of the landowner and/or system owner, or immediately in any case determined to be a safety hazard, the Township may implement such mitigation or remove such systems as it deems necessary, costs therefore to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property;
- j.** Acknowledgement that the obligations set forth herein shall continue so long as the subject Solar Energy System remains in operation and that any subsequent property owner shall be so notified.
- k.** A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
- l.** If the Solar Energy System is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Solar Energy System within 180 days from the date the system enters such a state or immediately in any case determined to be a safety hazard.

- m.** If a ground-mounted Solar Energy System is ever removed, any earth disturbance as a result of the removal of the ground-mounted Solar Energy System shall be graded and reseeded to the satisfaction of the Township.
- n.** Any large solar energy system shall comply with all applicable standards for a land development in Armstrong County or any other applicable Subdivision and Land Development Ordinance.

§ 404.34. Temporary Lodging

- A. Temporary lodging (i.e., short-term rentals) shall only be maintained as a Conditional Use.
- B. Refer to Armstrong County Regulations for any additional regulations.

§ 404.35. Wind Energy System: Large

A large wind energy system as a principal use shall be subject to the following requirements:

- A. **ACCESSORY FACILITIES** - Accessory electrical facilities are allowed, such as a transformer.
- B. **AUTOMATIC DEVICES** - The turbine shall include automatic devices to address high speed winds.
- C. **DESIGN** - Wind turbines shall be designed so that they are not climbable for at least the first 12 feet above the ground level.
- D. **GUY WIRES** - If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- E. **LAND DEVELOPMENT APPROVAL** - If two or more wind turbines are on a lot, they shall need approval as a Land Development under the Subdivision and Land Development Ordinance.
- F. **REMOVAL OF STRUCTURES** - The owner of the facility shall completely remove all above ground structures within twelve (12) months after the wind turbine(s) are no longer used to generate electricity.
- G. **SETBACKS**
 - a. The wind turbine shall be setback from the nearest existing occupied dwelling on another lot a distance not less than three (3) times the maximum height to the top of the maximum sweep of the blade of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the distance from the ground level. The setback shall be measured from the base of the turbine to the nearest part of such building. This provision shall apply to buildings that existed prior to the application for a zoning permit.
 - b. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
 - c. In situations other than “1)”, all wind turbines shall be set back from each lot line or street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.

- H. **SITE PLAN** - The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- I. **TEMPORARY TEST TOWER** - Wherever a wind turbine is allowed, a temporary test tower shall also be allowed.
- J. **SHADOW FLICKER** - The applicant/permit holder/owner shall conduct a study on shadow flicker and blade glint. Not sooner than 12 months and not later than 18 months of the date when the project becomes fully operational, or at any time upon receipt of a verified complaint of shadow flicker and/or blade glint, the applicant/permit holder/owner shall also submit to the Zoning Officer a shadow flicker and blade glint study prepared by a registered professional engineer (qualified by training, education, and experience to conduct such a study) certifying that shadow flicker and blade glint present no deleterious effects for any occupied structure located within a 1-mile radius of any wind turbine. If it is determined that shadow flicker and/or blade glint exists at any occupied structures, the applicant/permit holder/owner shall implement and maintain all necessary remedial measures.

§ 404.36. Wind Energy System: Small

- A. Where a small wind energy facility is permitted as a permitted use, the following minimum standards shall apply:
 - a. The turbine shall be located on the same parcel or plot of land of record in which the principal use is located, with the exception that, power lines or related equipment may be located on a neighboring parcel or plot of land of record provided it will comply with all applicable virtual net metering laws of the public utility provider.
 - b. The height of the turbine shall include the tower and the rotor at its point where a blade is directly perpendicular to the ground. The maximum height of the turbine shall be 60 feet from the finished grade.
 - c. Turbines must meet the setback requirements for accessory structures for the underlying zoning district. In addition, turbines shall be set back a horizontal distance equal to their height from any property line or residential dwelling, excluding any dwelling on the lot on which the turbine is located. No turbine shall be located between the principal structure on the property and the public street right-of-way. Additionally, all turbines must be set back sufficiently from any above-ground utility lines, radio, television, or telecommunication towers so as to present no danger to those lines or structures, as certified by the applicant's engineer. No portion of any accessory turbine shall extend over parking areas, access drives, driveways, or sidewalks.

- d.** The minimum clearance between the lowest arc of the turbine blades and the ground shall be 15 feet. If the turbine model that is proposed is a vertical axis wind turbine (also referred to as a helix-type windmill or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight feet.
- e.** If guy wire anchors are required, they shall be set back a minimum of 10 feet from any side and rear property lines.
- f.** All electric and utility lines associated with the turbine shall be buried underground.
- g.** All mechanical equipment associated with and necessary for the operation of the turbine, including any structure for batteries or storage cells, shall be screened from view with an enclosed six-foot-high fence or evergreen plantings of equal height. The evergreen plantings shall be of a type approved by the municipality and shall be planted to provide a full screen of the mechanical equipment. No noxious trees, plants or weeds shall be permitted to fulfill the screening requirements. The turbine tower shall also be enclosed within a six-foot- high fence unless the base of the turbine tower is not climbable for a distance of twelve (12) feet. Any required fencing shall be made of wood, masonry, durable plastic, or other decorative material approved by the Township. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings of equal or greater height than the fence.
- h.** The turbine shall not generate noise which exceeds 60 decibels at any property line.
- i.** The turbine shall be kept in good repair and sound condition. Upon abandonment of use, the turbine and all related structures shall be dismantled and removed from the lot within 60 days.
- j.** The co-location of wireless communication antennae on a turbine tower shall not be permitted.
- k.** Power generated by the turbine shall provide power only for the principal use in which it services; any excess power generated by the turbine shall only be sold or

acquired by a public utility in accordance with law or other governmental regulations.

- l.** The installation of the turbine shall meet all applicable requirements of the Uniform Construction Code (UCC).
- m.** No signage or advertising of any kind shall be utilized or attached to the turbine. This requirement shall not include the make and model description of the turbine, manufacturers required hangtags or warning signs or other signage that is required by law.
- n.** No lighting, unless required by any FAA requirements, shall be utilized or attached to the turbine.
- o.** Turbines shall be a neutral, nonobtrusive color such as white, off-white, gray, brown, black, or other approved earth tone shade, unless a specific color or color pattern is required by the FAA or other regulatory agency.

§ 404.37. Wholesale Business

- A.** Retail sales shall not exceed 20% of the gross floor area.
- B.** Outdoor storage of materials is prohibited.
- C.** Wholesale Sales in Conjunction with Major or Minor Retail Business, subject to:
 - a.** Any site which involves wholesale distribution shall have direct access to a street.
 - b.** All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six-foot hedge or opaque fence.
 - c.** No shipping or receiving shall be permitted within 300 feet of property in a residential zoning district between the hours of 7:00 p.m. and 7:00 a.m.
 - d.** Wholesale sales shall not exceed 25% of the gross sales of the retail business.
 - e.** The storage or handling of hazardous or potentially hazardous materials as defined by the United States Department of Transportation shall not be permitted.

§ 404.38. Veterinary Hospital

- A. The minimum lot area required for an animal hospital shall be 20,000 square feet, unless the animal hospital is located within a planned shopping center.
- B. Outdoor kennels or runs shall not be permitted.
- C. The overnight boarding of animals, other than for medical supervision, shall be permitted if the animals are housed overnight within a completely enclosed building.
- D. Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this chapter and shall be subject to the enforcement Zoning Officer
- E. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Township Planning Commission shall be complied with by the landowner and/or developer.

ARTICLE 5 – NONCONFORMING

§ 501. Application of Regulations.

§ 501.1. The provisions of the Article shall apply to buildings, structures, signs, lands, and uses which were legal prior to adoption of this Ordinance but which would not be permitted as the result of the application of this Ordinance to their location or use in the zoning district, or as a result of the reclassification of the property containing them, or of the adoption of other amendments to this Ordinance after the initial passage. When Article is concerned with properties of inadequate areas and/or frontage, uses of land and/or structures for activities not permitted in the zoning districts where such land and/or structures are located, and structures placed on a property too close to property boundary lines or too high for compliance with standards of the zoning district in which they are located.

§ 502. Non-Conforming Lots.

§ 502.1. Any property in separate ownership legally recorded in the Armstrong County Recorder of Deeds Office prior to enactment of this Ordinance and abutting properties in a different ownership may be developed for any use permitted in the zoning district where such property is located regardless of any property area, width or shape, except that if proposed development includes a reduction of minimum yard widths or required parking areas, a variance shall be obtained from the Zoning Hearing Board before development may commence. Properties of inadequate size or frontage shall be developed for no more than one (1) dwelling unit in zoning districts where dwellings are permitted, and sewage disposal facilities shall be approved by the Sewage Enforcement Officer before a building permit is issued.

§ 503. Non-Conforming Uses of Lands and Structures.

§ 503.1. Continuation and Sale. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

§ 503.2. Enlargement or Expansion. The enlargement or expansion of a nonconforming use may be permitted as a special exception in accordance with the following criteria and limitations:

- A. Expansion of the nonconforming use shall be limited to a distance of 250 feet in any direction from the existing area of the nonconforming use or to an area equal to 50% of the total usable floor area (or land area if not enclosed within a building) of the existing nonconforming use, whichever is the lesser amount.
- B. Expansion of the nonconforming use shall be limited to the lot upon which the nonconforming use was located at the time it became nonconforming.
- C. The limits set forth herein constitute the total permitted expansion of a nonconforming use. For example, if an applicant receives permission to expand to an area equal to 40% of the total usable floor area when the use became nonconforming, in the future the use will only be able to expand to an area equal to 10% of the total usable floor area when the use became nonconforming.

§ 503.3. Change of Use.

- A. A nonconforming use shall be permitted to change without additional approval if it continues as the same listed permitted use.
- B. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by special exception in accordance with the following standards:
 - a. The new use will more closely correspond to the uses authorized in the zoning district.
 - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
 - c. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements for the new use and shall be subject to the area, bulk, and buffer area regulations for such use in the zoning district where such use is authorized as a permitted use or conditional use.
 - d. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

§ 503.4. Abandonment.

- A. When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located.
- B. Abandonment does not apply to properties wherein the owner can provide proof on a quarterly basis to the Zoning Officer that a new tenant or owner is actively being sought.
- C. Abandonment does not apply to properties when the owner has health issues preventing use of property.

§ 503.5. Damage or Destruction. In the event that a nonconforming use in any district is destroyed or partially destroyed by fire, flood, explosion or other casualty, such nonconforming use shall be permitted to be rebuilt or restored, provided it meets the following requirements:

- A. The structure shall be properly secured after the damage or destruction,
- B. A building permit shall be obtained within 180 days of the date of casualty, unless the Zoning Hearing Board by special exception grants a time extension for good cause, and
- C. Work is completed within 365 days from when the building permit is granted.

§ 504. Non-Conforming Structures.

§ 504.1. Structural Alteration. A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard than the existing nonconforming structure does and, further provided that no new nonconformities are created.

§ 504.2. Damage or Destruction. A nonconforming structure which is partially damaged or entirely destroyed may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that a building permit is obtained within 180 days of the date of casualty and work is completed within 365 days from when the building permit is granted.

§ 504.3. Moving. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district to which it is relocated.

§ 504.4. Signs.

- A. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
- B. Nonconforming signs shall not be enlarged, added to, or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

§ 504.5. Repair or Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

ARTICLE 6 – ZONING HEARING BOARD

§ 601. Functions of the Zoning Hearing Board.

§ 601.1. Appeals from Decisions of the Zoning Officer

- 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 mis- applied any provisions of this Ordinance.
- B. An appeal may be filed with the Board in writing by any landowner affected, any officer or agency of the Township, or any person aggrieved.

§ 601.2. Challenge to the validity of an Ordinance

- A. The Board shall have no power to decide upon the validity of any provision of this Ordinance.
- B. The Board shall hear challenges to the validity of this Ordinance on substantive questions with the exception of a Landowner Curative Amendment. In all such challenges, the Board shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions and shall make the findings on all relevant issues of fact which shall become part of a record to the appeal of the courts.
- C. A challenge may be filed with the Board in writing by any landowner affected, any officer of the Township, or any person aggrieved.
- D. In the case of a challenge to the process of adoption of this Ordinance or an amendment, an appeal shall be made directly to the County Court. In the case of a challenge accompanied by a curative amendment, an appeal should be made to the Board of Supervisors.

§ 601.3. Variances

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. An appeal for variance may be filed with the Board for any landowner or any tenant with the landowner's permission.
- B. Variance from the terms of this Ordinance shall not be granted by the Board unless a written application for a variance is submitted to the Secretary of the Board demonstrating, where relevant:

- a.** That there are unique physical circumstances or conditions including but not limited to irregularity, narrowness or challenges of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and the unnecessary hardship is due to such condition and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood 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 this Ordinance and 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 appellant;
 - d.** That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
 - e.** The variance, if authorized, shall represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C.** If the Board finds in favor of the appellant, it may prescribe appropriate conditions and safeguards deemed necessary to implement the purposes and intent of this Ordinance and the comprehensive plan of Gilpin Township.
- D.** The Board shall prescribe a time limit, consistent with the nature of the variance granted and the conditions surrounding the property, within which the action for which the variance is granted shall be completed. Failure to comply with the time limit shall render the variance void.
- E.** Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district containing the property for which the variance is sought.

§ 602. Functions of the Board.

§ 602.1. Membership

- A. The membership of the Board shall consist of three (3) persons, all residents of Gilpin Township, who shall be appointed by the Board of Supervisors and may be reappointed upon completion of a term.
- B. The Board shall include two (2) alternate members to serve in the absence of any regular members, who shall be appointed by the Board of Supervisors and may be reappointed upon completion of a term.
- C. Members of the Board shall hold no other office in Gilpin Township except that one member of the Board may be a member of the Township Planning Commission.

§ 602.2. Term of Office

- A. Members of the Board, including alternates, shall be appointed for three (3) years staggered terms, with one appointment each year to refill a completed term with the exception of alternates, which shall not stagger.
- B. Appointments to fill vacancies shall be made by the Board of Supervisors for the unexpired portion of a term only.

§ 602.3. Removal of Members

- A. Any Board member may be removed for malfeasance, misfeasance, or non-feasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the Board member has received at least fifteen (15) days' notice such vote will be taken.
- B. The Board member thus accused may request by written communication to the Township Secretary no later than seven (7) days prior to the meeting of the Board of Supervisors at which the vote for removal is to be taken, a hearing before the Board of Supervisors, after which the Board of Supervisors, at its discretion, may take a vote for removal of the Board Member.

§ 602.4. Organization of the Board

- A. The Board shall annually elect officers from among its membership, to include a Chair, Vice-Chair and Secretary.

- B. The Board shall reorganize at its first meeting in each calendar year. Board members may succeed themselves in their position.
- C. The Chair shall call and chair all meetings of the Board.
- D. The Vice Chair shall fill the role of the Chair, in their absence, and shall assist the Secretary.
- E. The Secretary shall keep the minutes of the proceedings, recording the vote of each member; shall transcribe and distribute, or arrange to have transcribed and distributed, all testimony given at hearings under procedure described below; shall draw up the agenda for each meeting; shall be responsible for placing of notice for public hearing; and shall handle all correspondence.
- F. The Board may make, alter, or rescind rules and forms for its procedure consistent with this and other Ordinances of Gilpin Township and the laws of the Commonwealth.
- G. The Board shall keep full public records of its business and shall submit an annual report of its activities to the Board of Supervisors not later than sixty (60) days following a request by the Board of Supervisors.

§ 603. Hearing Procedure.

§ 603.1. Hearings shall be conducted by the Board, or the Board may appoint any member as hearing officer. The decision, or where no decision is called for, the findings, shall be made by the Board, but the parties may waive a decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

§ 603.2. The parties to a hearing shall be Gilpin Township, the party filing the application, any party affected by the application who has made a request to appear with the Board Secretary prior to the hearing, and any other person or civil or community organization which the Board permits to appear after filing a request to appear.

§ 603.3. Within sixty (60) days of receipt of the application, the Board shall fix a reasonable time and place for and hold a public hearing giving appropriate notice as listed in §603.4.

§ 603.4. Public Notice

- A. Public notice of the hearing shall be placed in a newspaper of general local circulation twice, once in each of two (2) consecutive weeks, the first notice not more than thirty (30)

days nor less than seven (7) before the hearing. The notice shall state the date, time, place, and purpose of the hearing.

~~B.~~ A mailed notice shall be sent at least seven (7) days prior to the hearing to the applicant, to the Secretaries of the Board of Supervisors and Planning Commission, and to other parties who have filed a timely request to receive notice. In addition, when the hearing involves a particular property or properties, notice shall be sent to the owners of property within two hundred and fifty (250) feet of the edge of the affected property or properties or affected portion of a property if a large tract is involved. The Board Secretary shall gather the names and addresses of the surrounding property owners.

C. Written notice of the pending hearing shall be conspicuously placed on each property involved in the hearing at least seven (7) days prior to the hearing.

D. A copy of the notice shall be posted at the Municipal Building.

§ 603.5. The Chair or acting chair of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

§ 603.6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and arguments and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be explained.

§ 603.7. The Board or the hearing officer shall keep or arrange to have kept a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. In lieu of a stenographic record of the hearing, a video or audio recording may be kept if agreeable to the Board and the appellant.

§ 603.8. The Board, or the hearing officer, shall not communicate directly or indirectly, with any party, and/or representatives of any party in connection with any issue relevant to the hearing, except upon notice and opportunity for all parties to participate; shall not take legal notice of any communications, reports or other materials unless all parties are afforded all opportunity to contest the material so noticed; and shall not inspect any site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.

§ 603.9. Hearing Decision

- A. The Board or hearing officer shall render a written decision, or when no decision is required, written findings in the application within forty-five (45) days after the conclusion of the hearing before the Board or hearing officer. Decisions shall be accompanied by findings of fact and conclusions based on them together with the reasons, therefore. Conclusions based on any provisions of this Ordinance or any other Ordinance or regulation of Gilpin Township or the Pennsylvania Municipalities Planning Code shall contain a reference to the provision relied on and the reasons why a conclusion is deemed appropriate in the light of the facts.
- B. When a hearing is conducted by a hearing officer and there is no stipulation that their decision or findings are final, the Board shall make their report and recommendations available to the parties who shall be entitled to make written representation thereon to the Board prior to the Board's final decision and entry of findings which shall occur not later than forty-five (45) days after the hearing officer's decision.
- C. When the Board or hearing officer fails to render a decision where it or he has the power to do so within forty-five (45) days after hearing the application or fails to hold a hearing within sixty (60) days of the applicant request, the decision shall be deemed to have been rendered in favor of the applicant, and the Board shall place a public notice of the decision thus granted not later than ten (10) days after the expiration of the forty-five (45) day period in a local newspaper. In addition, the decision shall be posted on the affected property and sent by mail to all parties having an interest in the decision. The forty-five (45) day period shall be suspended while hearings are in progress or while the applicant is providing materials required by the Board. Any extension of the forty-five (45) day period for any other reasons shall be agreeable to both the Board and the applicant and shall be for a fixed period.
- D. A copy of the final decision, or the findings if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

§ 604. Zoning Appeals.

§ 604.1. No one shall be permitted to file an appeal with the Board later than thirty (30) days after an application for development, whether preliminary or final, has been approved by the Zoning Officer or Board of Supervisors if such appeal is intended to reverse or limit the approval in any manner. Only if the appeal is able to prove he had no notice or knowledge of the approval can the Board extend the time limit. Successor owners shall be bound by the knowledge of their predecessor in interest.

§ 604.2. Upon the filing of an appeal, and while an appeal is pending before the Board, any development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the zoning officer certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court.

§ 604.3. Zoning Appeals to Court

- A. Zoning appeals shall include appeals from the decisions of the Board and appeals upon reports of the Board in proceeding to challenge the validity of the Ordinance.
- B. The court having jurisdiction shall be the Armstrong County Court of Common Pleas.
- C. Zoning appeals may be taken to court by any party before the Board or any officer or agency of Gilpin Township
- D. All zoning appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Board.
- E. A developer having received approval from the Township for their development and faced with an appeal brought by others before the Board may petition the Court to order those bringing the appeal to post a bond in an amount established by the Court as a condition of the appeal's continuation before the Board. The Court shall hear the petition, determine whether the appeal is frivolous, and if so, may require the posting of the bond.

§ 604.4. If any application for a variance, or appeal from the zoning officer is denied by the Board, another application for the same request shall not be filed within a period of one (1) year from date of denial.

ARTICLE 7 –ADMINISTRATION AND ENFORCEMENT

§ 701. Purpose

§ 701.1. The purpose of this Article is to describe the procedures for administration and enforcement of this Ordinance and the duties and responsibilities of the Zoning Officer as they pertain to this Ordinance.

§ 702. Duties of the Zoning Officer.

§ 702.1. The Zoning Officer shall administer and enforce this Ordinance in accordance with its literal terms. They shall be appointed by the Board of Supervisors and may hold no elective office in Gilpin Township.

§ 702.2. Applications for building and occupancy permits shall be made to the Zoning Officer, who shall process the applications in accordance with Section 703 or Section 704.

§ 702.3. The Zoning Officer shall investigate alleged violations and take action to gain compliance. They shall also testify at hearings of the Zoning Hearing Board on contested decisions he has made.

§ 702.4. All questions of interpretation of this Ordinance shall be first presented to the Zoning Officer and such questions shall be considered by the Zoning Hearing Board only on appeal from the decision of the Zoning Officer.

§ 703. Zoning Permits.

§703.1. No building or structure including a mobile home shall be erected, moved, enlarged, or demolished unless a permit for such action has been issued by the Zoning Officer. Permits shall not be required for the erection of fences, paved walks, patios, or residential driveways. Nor shall a permit be required for painting, for replacement of siding, roofing, windows, doors, soffits, or gutter, for repointing masonry, or for altering interior partitions or doorways when no structural changes are needed. Permits shall be required for permanent roofs over open porches or patios or for closing in such areas with walls or windows.

§703.2. An application shall include the following in duplicate on forms provided by the Zoning Officer:

- A. A description of the proposed work and the proposed use of the structure, if a new building, indicating the number of dwelling units or commercial units the building is designed to accommodate. If a demolition, the size and type of building to be demolished.
- B. A site plan shall be to scale showing the boundary lines of the property to receive the new construction, if a new building or expansion of an existing building is proposed, indicating bearing and distances of each line, area of the property and name of owner of record.
- C. The site plan shall also show the building setback line from each property boundary, public roads abutting the property, any public utilities serving the property and the location of free-standing signs and of parking areas, with the number of parking spaces indicated if a multi-family residential, commercial, or industrial development.
- D. The proposed building or addition shall be shown on the site plan, with dimensions and height noted and distance indicated between it and adjacent roads and property lines.
- E. Existing buildings already on the property and topographical features such as steep slopes, swamps and streams shall be shown within five hundred (500) feet of the proposed construction.
- F. If the building is to be served by an on-lot septic system, a certificate from the Township Sewerage Enforcement Officer shall be presented approving the property for on-lot disposal, considering the number of dwelling or other units to be constructed, and indicating the type of sewage disposal system approved.
- G. If the building is for commercial, industrial, multi-family or public use, a certificate of approval from the State Department of Labor and Industry shall be provided as well as approved from the Board of Supervisors.
- H. The applicant shall swear that all the information given on the form and drawings shall be true and correct to the best of their knowledge.

§703.3. If the application is satisfactory, the Zoning Officer shall inspect the premises where the construction is proposed to occur. If new construction is proposed, the Zoning Officer shall verify on the site the location of the construction relative to adjacent property lines and may

order the owner to have stakes positioned by a registered surveyor to indicate the property line and outline of the new construction. Upon completing their inspection and finding the application and premises compatible, the Zoning Officer shall approve the application and return one (1) copy of the construction document together with a signed building permit authorizing the applicant to proceed. The applicant shall post the permit prominently on the building site during construction and shall keep one (1) set of the documents available on the site as well.

- §703.4. If the application is not satisfactory, the zoning Officer shall return one (1) set of the application documents together with a letter indicating the specific reasons why the application cannot be approved, and the changes needed to make it acceptable.
- §703.5. The Zoning Officer shall from time to time visit the property whereon the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the application documents. The Zoning Officer shall not be denied access to the property during working hours in order to inspect the construction in progress and may order the work halted pending appeal to the Zoning Hearing Board or corrected to corrected to the permit.
- §703.6. If an applicant wishes to amend the use, arrangement, or construction of their building from that shown on the permit after the permit is approved, he shall file with the Zoning Officer an application for an amended zoning.
- §703.7. A zoning permit shall become void, if after three (3) months from the date of issue, construction has not commenced and been vigorously pursued. The life of a zoning permit shall be one (1) year from the date of issue. Permits may be extended for not more than one (1) additional year on large projects or where the applicant can prove hardship exists making it impossible to complete project in one (1) year.
- §703.8. The Zoning Officer shall keep records of all applications either approved or disapproved, including one (1) copy of each permit issued, shall maintain a journal of their activities, and shall submit an annual report to the Board of Supervisors detailing building activity in the Township during the preceding year.

§ 704. Occupancy Permits.

- §704.1. Requirements for an Occupancy Permit. It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended, has

issued an Occupancy Permit. An Occupancy Permit shall be required under the following circumstances:

- A. Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a building permit is required.
- B. Change in use, ownership or occupancy of any non-residential building or structure, or portion thereof. The commencement of a home occupation also constitutes a change in use.
- C. Change in use or expansion of a non-conforming use or structure, or portion thereof.
- D. Use of land or change in use thereof, except that the placing of vacant land under cultivation shall **not** require an Occupancy Permit.
- E. An Occupancy Permit for a new use within an existing structure or for a use not specified on the building permit application requires the signature of the Zoning Officer.

§704.2. Application Requirements.

- A. All applications for Occupancy Permits shall be made to the Code Official in writing on forms furnished by the Township and shall include all information necessary to enable the Code Official to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended.
- B. Written request to the Zoning Officer shall be processed within seven (7) days of receipt of the request of the proposed use, provided that the use is in conformity with the provisions of this Ordinance and other effective and applicable ordinances.
- C. The Zoning Permit and Occupancy Permit may be combined for the administrated convenience of the Township as a Zoning and Occupancy Permit.
- D. The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

§704.3. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance and are deemed to authorize, and are required for, both initial and continued occupancy and use of the building and land so long as such building and use are in full conformity with the provisions of this Ordinance.

- §704.4. No occupancy permit shall be issued until such time as the applicant has applied for the same and has paid the application fee, which shall be included as part of the zoning permit fee, and the premises have been inspected by the Zoning Officer or his delegate and, thereafter, a determination has been made that the premises is in compliance with this Ordinance.
- §704.5. No occupancy permit shall be granted until the subject project has been completed or the Zoning Officer has determined the same to be fit for the use intended by the applicant. If the applicant desires to make use of the premises or project prior to its completion, the same is strictly prohibited until such time as an application has been made for an occupancy permit and all rules and regulations pertaining thereto and as contained herein have been determined by the Zoning Officer to have been met.
- §704.6. No premises, structure, swimming pool or the like shall be used until such time as an occupancy permit has been granted.
- §704.7. If the project has not been completed and a partial use or occupation of the premises is desired by the applicant, the applicant must first make application to the Zoning Officer, pay a fee equal to the amount of the original cost of the permit, and thereafter, once the same has been examined by the Zoning Officer and has been determined by him to be fit for the limited or partial use intended, said applicant may use and/or occupy the premises; however, nothing contained in this subsection shall be interpreted or used as an excuse or viewed as a waiver of any of the other terms contained hereinabove pertaining to the expiration of any and all permits for purposes of completion of the original project.

§ 704. Violations and Penalties.

- § 704.1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, be fined no less than ten dollars (10.00) nor more than five hundred dollars (500.00) plus costs of prosecution. In default of payment of the fine, such person, the members of such partnership, or the officers of each corporation shall be liable to imprisonment for not more than sixty (60) days. Each day each violation continues shall be considered a separate offense. All fines collected for the violation of Ordinance shall be paid over to the Township.

- § 704.2. 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- § 704.3. When written notice of the violation of any of the provisions of this Ordinance shall have been served, by registered mail or otherwise, by the Zoning Officer on the owner, agent or occupant, contractor or builder involved, such violation shall be discontinued within thirty (30) days. However, if in the opinion of the Zoning Officer the violation creates an imminent danger to life and property or is willful and deliberate, the violator shall be ordered to discontinue such violation immediately. The giving of notice of a violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the Township the right and duty to prosecute a violator for a violation of each respective provision of this Ordinance.
- § 704.4. Written notice of a violation shall be given to the owner of record of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel and any other person requested, in writing, by the owner of record. The enforcement notice shall state at least the following:
- A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- § 704.5. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township, or with the approval of the Township, an officer of the Township or an aggrieved

owner or tenant of real property who shows that their property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

§ 705. Schedule of Fee.

§ 705.1. Fees.

- A. The Township shall determine a schedule of fees, to be adopted by vote of the Board of Supervisors, as well as a collection procedure for permits and applications for variances, amendments and other matters pertaining to this Ordinance.
- B. The Township shall re-evaluate the fee schedule from time to time and make the necessary changes. These changes shall not be considered an amendment to this Ordinance and may be adopted at a public meeting by vote of the Board of Supervisors.
- C. All fees shall be paid to the Township. Conditional uses, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.
- D. The Township requires a fee, as determined by vote of the Board of Supervisors, prior to any hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs. Any money remaining after the hearing shall be returned to the applicant.
- E. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if

such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

§ 705.2. Compensation.

- A. Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Township, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township. Alternate members may receive similar compensation when designated to participate in hearings.
- B. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the municipal solicitor.
- C. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary.
- D. The compensation of legal counsel, experts, and staff and the sums expended for services shall not exceed the amount appropriated by the Township for this use.

§ 706. Amendment to the Ordinance.

§ 706.1. An amendment, supplement, change or repeal of this Ordinance may be initiated by;

- A. A resolution or request by the Board of Supervisors;
- B. An official proposal by the Planning Commission; or
- C. A petition presented to the Planning Commission by a property owner or a person who has entered into an agreement to purchase a property in the Township.

§ 706.2. Procedure

- A. Upon receipt of a petition from a property owner for an amendment to this Ordinance or its map, the Planning Commission shall review the proposal and submit recommendations, with specific reasons in support of either adopting the proposal, rejecting it, or adopting it with conditions, to the Board of Supervisors not later than the third meeting after which the Commission officially received the petition.

- B. The Planning Commission may hold a public hearing, properly noticed, if it feels the proposal is of such a controversial nature or is so widespread in its jurisdiction that additional testimony be gathered.
- C. The Board of Supervisors shall review the Planning Commission's recommendations and shall call a public hearing, properly noticed, after which the Board of Supervisors shall vote approval or disapproval of the proposed amendment within ninety (90) days of the conclusion of the hearing. At least thirty (30) days prior to the hearing the Board shall submit the amendment Proposal to the Armstrong County Planning Commission for comment.
- D. When the Board of Supervisor proposes an amendment, it shall allow the Planning Commission at least thirty (30) days to review the proposal and submit proposal and submit recommendations before the Board hold a public meeting.
- E. If a proposed amendment is revised before final approval to include property not previously affected or further alters the text, the Board of Supervisors shall hold another public hearing before proceeding to vote on the change.
- F. The hearing record shall be kept by stenographic or sound recording, and copies may be made provided any party to the hearing at cost.
- G. Appeal; from a decision of the Board of Supervisors on an amendment proposal shall be to County Court of Common Pleas.

§ 706.3. Public Hearing Requirements

- A. Public notice shall be published in a newspaper of general local circulation once in each of two (2) consecutive weeks, the first notice appearing no more than thirty (30) days nor less than fourteen (14) days before the hearing.
- B. A notice shall simultaneously be posted at a conspicuous location at the Township Municipal Building.
- C. Owners of property within two hundred (200) feet of any boundary of a property or properties, or a portion of a property for which a change in the zoning district boundary is sought shall be informed by mail at their address of record by letter at least fifteen (15) days prior to the hearing, indicating the date, time, and place of the hearing and describing the proposed change.

§ 706.4. If the Board of Supervisors receives a clearly adverse report from the Township or County Planning Commission, or, prior to taking a vote for adoption of a zoning district boundary change, is presented with a petition, signed in opposition by owners representing at least one-half of the property proposed to be rezoned and by at least one-half of the owners within two hundred (200) feet of such property, the Board of Supervisors will adopt the amendment only by unanimous vote of all the Supervisors.

§ 707. Curative Amendments

§ 707.1. The Board of Supervisors shall vote, within thirty (30) days following such declaration by the Township, by formal action whether to declare this Ordinance or portions thereof substantially invalid. In the event of the failure of a majority of the Board of Supervisors to declare this Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.

§ 707.2. Upon the declaration that this Ordinance is invalid by the Board of Supervisors, the Township shall begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

§ 707.3. Within nine (9) months from the date of the declaration, pursuant to Section 709, the Township shall enact a curative amendment to or reaffirm the validity of this Ordinance pursuant to the provisions required by the Pennsylvania Municipalities Planning Code, to cure the declared invalidity of this Ordinance.

§ 707.4. Upon the initiation of the procedures by the Township as set forth Section 709, the Township shall not be required to entertain or consider any landowner's curative amendment as provided for within the Pennsylvania Municipalities Planning Code, nor shall the local Zoning Hearing Board be required to give a report subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required Section 709.

§ 707.5. Upon completion of the procedures as set forth in Section 709, no rights to a cure pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this section.

§ 707.6. The Township, having utilized the procedures as set forth in Section 709, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance pursuant to Section 709; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation; provided, however, that the Township shall not be deemed to have utilized the procedures set forth in Section 709, either if the Township takes formal action to not declare this Ordinance invalid in accordance with Section 709 or if they fail to act in accordance with Section 709.

§ 708. Landowner-proposed curative amendments

§ 708.1. Any landowner in the Township may submit a written proposal, on the form provided by the Township, requesting an amendment of this Ordinance or Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by the Township for such a submission.

§ 708.2. Applications for amendment of this Ordinance shall be presented or postmarked to Township on the same day and shall contain the materials specified below unless the applicant is proceeding for curative amendment or appeal within this Ordinance. In the latter cases, the applicant shall be bound by the requirements contained therein.

§ 708.3. The applicant's name and address and their representative and the interest of every person represented in the application;

- A. A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Ordinance;
- B. A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
- D. The approximate time schedule for the beginning and completion of development in the area;

- E. A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.

§ 708.4. The Township shall commence a hearing thereon within 60 days of the request.

§ 708.5. The curative amendment and challenge shall be referred to the Planning Commission and the Armstrong County Planning Commission for review and commentary. The Township shall also advertise the proposed amendment as required by the Municipalities Planning Code and, if the proposal involves any change to the Zoning Map, any affected property shall be posted.

§ 708.6. If the Township determines that a validity challenge has merit, the Township may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Township shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:

- A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities
- B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Map.
- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 708.7. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only

for those provisions which specifically relate to the landowner's curative amendment and challenge.

§ 709. Procedure for municipal curative amendment.

If Gilpin Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

§ 709.1. The Township shall declare by formal action, its zoning ordinance, or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the Gilpin Township Supervisors shall:

A. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:

- a. References to specific uses which are either not permitted or not permitted in sufficient quantity.
- b. Reference to a class of use or uses which require revision.
- c. Reference to the entire ordinance which requires revisions.

B. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

§ 709.2. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by section 609 of the Pennsylvania Municipalities Planning Code in order to cure the declared invalidity of the zoning ordinance.

§ 709.3. Upon the initiation of the procedures, as set forth in Section 709.1, the Township shall not be required to entertain or consider any landowner's curative amendment filed under section 609.1 of the Pennsylvania Municipalities Planning Code nor shall the zoning hearing board be required to give a report requested under section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in Section 709.1. Upon completion of the procedures as set forth in Sections 709.1 and 709.2, no rights to a cure pursuant to the provisions of sections 609.1 and 916.1 of the Pennsylvania Municipalities

Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.

§ 709.4. The Township having utilized the procedures as set forth in Sections 709.1 and 709.2 may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance, pursuant to Section 709.2; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

§ 709.5. Rehearing

A. If a petition for amendment, supplement, change or repeal of this Ordinance is denied by the Board of Supervisors, another petition for a similar change shall not be filed within a period of one (1) year from the date of denial, except upon the initiation of the Board of Supervisors and recommendation of the Planning Commission based upon a change in circumstances which would warrant a rehearing.

ARTICLE 8 – DEFINITIONS

§ 801. General Rules.

For the purposes of this Ordinance, certain terms and words used herein are defined as follows:

- § 801.1. Words used in the present tense include the future tense;
- § 801.2. The particular shall control the general;
- § 801.3. The singular number includes the plural, and the plural number includes the singular;
- § 801.4. The masculine gender includes the feminine;
- § 801.5. The word PERSON or the word DEVELOPER includes a firm, association, partnership, trust, company, or corporation as well as an individual;
- § 801.6. The word SHALL is mandatory; and the word MAY is permissive;
- § 801.7. The word LOT includes “plot,” “piece,” or “parcel” of land;
- § 801.8. The word USED or OCCUPIES includes the words “intended, arranged, maintained, or designed to be used or occupied;”
- § 801.9. Words used in this ordinance and not otherwise defined in Section 8.20 shall have the same meaning as in a standard dictionary.

§ 802. Specific Definitions.

Access lane – The driveway within a parking lot directly abutting parking spaces and designed to provide a vehicular connection between the spaces and the street.

Acre – 43,560 square feet.

Accessory Dwelling - A secondary residential unit or apartment that shares the lot of a primary home. (for example, mother-in-law suite).

Accessory Use – An activity carried on within a property or lot that is not the principal permitted use thereon but is generally found incidental to the principal use.

Adult Uses – The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas” and “Specified Sexual Activities.”

Agricultural Operations – 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.

Amendment - Any conditions, deletion, or revision of this Ordinance or its zoning map officially approved by the Board of Supervisors after public hearings.

Apartment – A suite of rooms including cooking, food storage, bathing, and toilet facilities for the exclusive use of the occupants and with access directly or by a common hallway to the outside.

Apartment building - A building containing at least three (3) apartments.

Auto Repair Garage - An establishment servicing motor vehicles with fuel, supplies, accessories, and minor repairs, but not including the storage, sale, or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

Automobile Sales and Service - Any building or land area devoted to the sales, repair, servicing, restoration, reconstruction, and maintenance of vehicles, including the retail sale of motor oil, batteries, and other similar vehicular accessories.

Bank or Savings and Loan Institution - A business in which money is kept for saving or commercial purposes, is invested, is supplied for loans, or is exchanged.

Billboards – A structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured other matter which directs attention to any product, announcement, commodity, or service offered only elsewhere than on the premises.

Board of Supervisors – The dually elected governing body of Gilpin Township.

Boarding or Lodging Home - A single family detached dwelling the owner of which accepts a limited number of permanent live-in persons not related to the family occupying the dwelling, such persons paying for their rooms, as well as meals if they are provided.

Buffer – A strip of land planted with shrubs or other natural material and free of any structures except fencing, intended to screen residential development from downgrading influences of adjacent commercial or industrial activity.

Building – Any structure having a permanent roof supported by columns or walls and covering an area on the ground.

Building Enclosed - A building in which all exterior walls are solid except for fixed closed, or operable windows and doors.

Building Line – A line enclosing the area of any property or lot within which construction can occur, as determined by the yard requirements for the zoning district in which the property or lot is located.

Building Permit – A document issued by the Zoning and/or Building Permit Officer attesting that a proposal for construction meets all requirements of this Ordinance and other applicable regulations of Gilpin Township and allowing the appropriate construction to proceed.

Cemetery – A burial ground or graveyard.

Centerline, Roads, or Highway – An imaginary line running parallel and equidistant from the edges on either side of the traveled surface of a road or highway.

Challenge – An appeal brought by a person aggrieved by any regulation of this Ordinance or its map on the grounds that the regulation in question prevents their reasonable use of property in which he has an interest, or that the regulation goes beyond and violates the basic premise upon which the Ordinance was developed.

Church and Supporting Facilities – A use located in a permanent building, providing regular organized religious worship and religious education incidental thereto, but except as permitted accessory uses, excluding private primary or secondary educational facilities, community recreational facilities, and day care facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of religious assembly use.

Commercial Kennel or Stable – Any place in which dogs, cats, or other domesticated animals over six (6) months are housed, bred, boarded, or sold. This term shall not include the routine keeping of animals within a veterinary office/clinic while undergoing recuperation or a permitted retail pet store.

Commercial Recreation – Recreation facilities that are operated as a business and are open to the public for a fee.

Common Open Space – An area or areas within a residential planned development which are permanently set aside and recorded as land use which no development other than recreational may take place, except that the land may be used or leased for agricultural purposes.

Communications Tower - A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Communications Tower, Mini - Consists of small radio equipment and antennas that can be placed on structures such as streetlights, the sides of buildings, or poles. They are essential for transmitting data to and from a wireless device.

Community Club – A non-profit civic, social, educational, recreational, or cultural organization, but not including residential accommodations except for a manager, their family, or alcoholic beverage sales.

Community Sewer and/Water System – A sewage collection and treatment system, or water supply and distribution system serving one or a large number of properties, when such a system has been approved as to construction and operation by the State Department of Environmental Resources and the system is not financed by a public authority.

Construction – the erection, expansion, moving or altering of a structure.

Conditional Use – A development of a property that may be permitted by the Board of Supervisors after receiving recommendation from the Planning Commission, provided the proposed use is listed as conditional in Article II of this Ordinance for the zoning district containing the property, and provided use on the proposed property will not downgrade adjacent or nearby properties or cause dangerous conditions in the vicinity.

Contractor Storage Yard - A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked vehicles.

Convalescent or Retirement Home – A facility for long-term care or sick or elderly persons, including living accommodations, common dining and recreation rooms, and health services for ambulatory and/or bedfast residents.

Conversion Apartment – A dwelling unit established from a portion of an already existing single-family dwelling with each provided all the facilities normally found in a dwelling unit including adequate heat, light, ventilation, sanitary facilities, cooking and food storage, and means of egress.

Coverage – the percentage of the total area of a property or lot occupied by buildings.

Day Care Center – A facility for the daytime care (no overnight accommodations) of pre-school, school age, elderly, or disabled persons.

Domestic Animals – Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, and rodents.

Development – The erection, expansion, or altering of a structure, the rearrangement or paving of the land surface or any of these. The person undertaking the work is a developer.

Drive-In Theater - An outdoor area used primarily for the viewing of film, television, music video, multimedia, or other related activities that in the opinion of the Zoning Officer are similar.

Drive-Through - Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Dwelling, Apartment of Owner or Operator of Business – A dwelling unit that is accessory to a business where the owner or operator of the business resides.

Dwelling, Multi-Family – A building containing more than three (3) dwelling units.

Dwelling, Single-Family – A building designed and intended to be occupied by one family only and surrounded by open space on all sides. The definition includes mobile homes.

Dwelling, Two-Family – A building surrounded by open space and containing only two (2) dwelling units, each entirely separate from the other.

Dwelling Unit – A group of connected rooms in a building for the exclusive use of one (1) family, containing its own private bathing, toilet, cooking and food storage facilities, with access directly to the outside or via a common hallway used by several dwelling units to the outside.

Easement – A right-of-way granting access to private property or public utility lines or storm drainage, passage over which is guaranteed by the property owner to the grantee.

Erosion and Sedimentation Control – Measures taken by a developer to minimize the removal by water action of soil uncovered in the process of development and the depositing of the soil in nearby streams or on adjacent roads or properties, such measures regulated by the State Department of Environmental Resources.

Event Center - A public or privately owned structure or area used for the purposes of public performances, sporting events, private receptions or parties, or similar attractions that may generate heavy traffic.

Extraction of Natural Resources – All or any part of the process involved in the extraction of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

Family – An individual or a group of persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated individuals, living together in the same dwelling unit.

Flood Hazard Area – An area designed by the Federal Flood Insurance Administration as susceptible to flooding once every one-hundred (100) years, or with one (1) percent chance of flooding annually, such area restricted in its development as provided by this Ordinance.

Frontage – The width of a lot or property that abuts a street.

Garage - An accessory building in a residential zoning district (that may be attached or physically connected to the dwelling) for storing vehicles operated by the residents of the dwelling building on the same property and not to be used as an auto repair shop except for autos owned by residents on property.

Garden Apartment - an apartment on the ground floor of an apartment building having direct access to a backyard or garden.

Heavy Manufacturing - A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials and/or whereby the process involves the burning of fuels, dust, fumes, harmful emissions, and odors.

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.

Home Occupation: A business carried on entirely within a single-family dwelling by the residents thereof, involving no exterior changes to the appearance of the dwelling and not creating nuisance or congestion conditions in the neighborhood where it is located.

Homeowner's Association – An organization of all property owners in a residential planned development with responsibility to maintain all those areas of, and facilities within, the plan not sold to private owners, retained by the developer, or leased for agricultural purposes.

Hospital or Medical/Dental Clinic - An establishment providing therapeutic, preventative, corrective, healing, and health building treatment services on an outpatient basis by physicians, dentists, and other

practitioners. Typical uses include medical and dental offices and hospitals and outpatient medical laboratories.

Light Manufacturing – A use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Livestock – Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs, and other house pets.

Long Distance Utility Transmission – The passage of electric, telephone, oil, gas, or similar commodity overland between major distribution points but without access by local customers. These lines must be installed in compliance with the PA Public Utility Commission (PUC).

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

Lot Area – All the ground surface contained within a lot or property except for any street or highway rights-of-way encroaching on or crossing the lot or property.

Lot Line – The boundary line, or part of such line, describing the periphery of a lot. The front lot line abuts the street to which the lot has access, and the rear lot line is the boundary most distant from the front lot line.

Lot Width – The distance across a lot measured along a line parallel to the abutting street centerline and set back from the centerline the depth of the front yard required for the zoning district containing the lot.

Lot of Record – A lot or property recorded, as part of a subdivision plan or on a separate deed, with the Armstrong County Recorder of Deeds, pursuant to statutes governing recording.

Marijuana Dispensary - A facility for which a permit has been issued by the Pennsylvania Department of Health or the Pennsylvania Department of Agriculture to dispense marijuana or hemp products.

Marijuana or Hemp Growing/Processing Facility - A facility used to grow and/or convert marijuana or hemp to usable marijuana or hemp and marijuana-infused products or hemp-infused products, owned by a person (including a natural person, corporation, partnership, association, trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health or the Pennsylvania Department of Agriculture to grow and process marijuana or hemp. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

Mini-Storage – A structure containing separate, individual, and private storage spaces of smaller size leased or rented on individual leases for varying periods of time.

Mobile Home – A transportable structurally integral single-family dwelling intended for permanent occupancy which arrives on its site or lot ready for use, except for the joining of the matched pair of units if a double-wide home, and other minor assembly; and which is capable of later being disassembled and towed to a second site or lot.

Mobile Home Lot – A lot of land in a mobile home park, improved with the necessary utility connections and other appurtenances prescribed in this chapter for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot. "Mobile home lot" is synonymous with "mobile home berth."

Mobile Home Park – A property under single ownership which has been planned and improved for placement of two (2) or more mobile home lots or site.

Motel/Hotel – Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs. The lengths of stays for the majority of guests at these facilities are for 30 days or less.

Movie Theater - A building (or outdoor area) where people go to watch films for entertainment. Food and beverage sales may be onsite.

Municipal or Public Utility Facilities or Structures – Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

Natural Resource Recovery – The excavating, quarrying, or mining of natural materials with commercial value, such as topsoil, sand, gravel, clay, shale, limestone, or coal.

Non-Commercial Keeping of Farm Animals - Confining and caring for non-domestic animals for purposes of recreation or food production for the resident family.

Non-Conforming Lot – A lot lawfully existing prior to adoption of this Ordinance which contains less area and/or width than is permitted as minimum requirement in the zoning district where the lot is located.

Non-Conforming Structure – A structure or portion thereof lawfully existing prior to the adoption of this Ordinance that is so located on its lot that it is in violation of the height and/or setback requirements for the zoning district in which it is located.

Non-Conforming Use – A use of a lot or property, or a portion thereof, or of a structure or a part of a structure thereon, lawfully existing prior to adoption of this Ordinance, that is not permitted by right or as a conditional use in the zoning district where the lot or property is located.

Occupancy Permit – A certificate issued by the Zoning Officer attesting to the fact that all requirements of the building permit have been met and that the construction for which the permit applies is substantially complete and may be occupied or attesting to the fact that the proposed new use of a property is a permitted use or has been approved by the Board of Supervisors or the Zoning Hearing Board.

Occupy – To utilize a property for its intended and approved permanent use.

Off-Street Parking – An area wholly outside any public right-of-way, constructed to accommodate the storage of vehicles as required by this Ordinance, and connected to a street by a driveway or access lane.

Outdoor Storage of Vehicles – The keeping of motor vehicles outside of an enclosed building.

Parapet - A low wall extending above the roof of a flat-roofed building usually as an extension of the vertical exterior walls.

Parking Lot – A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges in money or other consideration.

Parking Space – An area meeting the requirements of this Ordinance for the storage of one (1) vehicle off the street and adjacent to a driveway or access line.

Patio - A surface flat area without permanent cover and not more than three (3) feet above or below surrounding ground level.

Permitted Use - An activity that is expressly allowed by right by this Ordinance to occur on property because of the property's location in a particular zoning district.

Personal Services – Provision of recurrently needed services of a personal nature, including but not limited to, barber and beauty shops, seamstresses, laundromats, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, photocopying and photo finishing services, and travel agencies.

Planning Commission – The duly appointed Planning Commission of Gilpin Township unless reference is specifically to the Armstrong County Planning Commission.

Pole Sign - A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

Porch - A surfaced flat area covered by a rigid permanent roof, but without side walls, usually attached to a dwelling.

Principal Building - The structure on a property containing the principal use, and thus making all other buildings on the property accessory.

Private Non-Profit or Public Recreation Areas – Land and improvements owned and operated by an organization made up of members which elect a board or directors, formed for the purpose of providing certain recreational opportunities for the benefit of the members and their guests, and not intended as a profit-making venture, to be open to the public or receive public support, or to be construed to include a recreational vehicle campground or any permanent or temporary overnight accommodations except for the residence of a manager or caretaker.

Professional Office Building - A building containing office space for the use of professional persons license to practice by the State who have direct contact in their offices with their clients or patients. This definition shall also include unified commercial, industrial and/or institutional complexes, which can include more than one principal structure or use on a parcel or lot.

Property - A tract of continuous land surface abutting a street, including the structures thereon, such tract in one ownership and surrounded by a boundary that closes on itself.

Public Hearing - An official meeting called by the Board of Supervisors, the Planning Commission or by the Zoning Hearing Board, duly announced in local newspapers and by letters sent to appropriate public officials and other persons involved, for the purpose of taking testimony or information from all parties having an interest in the matter being heard, as a basis for the calling body to make a decision.

Public or Private School - Public and private schools at the primary, elementary, junior high, or high school level that provides basic education.

Public Utility - A publicly regulated service distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by mean of a network of overhead or underground conduits and requiring at various locations to maintain efficiency of the system pumping, regulating, transformer, switching on other devices or structures, but not including business offices or yard or buildings for the storage or

maintenance of equipment used by the utility, unless such structures are expressly allowed in a particular zoning district.

Recreation Facility – An enterprise owned and operated by a public or not-for-profit entity, available to the general public, whether or not an admission fee is charged including either indoor or outdoor facilities for the pursuit of sports, recreation, or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

Registered Architect, Engineer, or Surveyor - An individual duly registered to practice architecture, civil engineering, or land surveying respectively in the Commonwealth of Pennsylvania.

Required Parking – The number of necessary off-street parking spaces needed to serve a specific use on the same property as the use.

Research and Development Laboratories – Any establishment which carries on investigation in the natural, physical, or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

Residential Planned Development – An arrangement of residential buildings, together with supporting parking areas, and common open spaces, designed as a whole to encourage innovative and efficient use of the land and minimize disturbances of the natural site.

Restaurant – Any establishment, however designated, at which food is prepared and sold for consumption on or off the premises. However, a concession stand at a public or a community playground, playfield, park, or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Retail – An establishment whose primary activities involve the display and sale of goods and products to the general public. This term shall not include adult-related uses as defined herein.

Right-of-Way – a strip of land dedicated to improving for public uses, providing access to properties or lots that abut it and connecting to other streets or a recorded easement across private property for the passage of public utilities or the disposal of storm water.

Run-off – The flow of storm water from higher to lower elevations across the land surface or with conduit systems.

Salvage Yard – A place where disused vehicles or other machinery is broken up and the parts saved and processed for resale.

Seasonal Camp – One residential buildings or recreational trailer/vehicle acting as one dwelling unit, not designed, or intended to be used as year-round residences.

Seasonal Campground - Any public or private trailer coach park which is closed for the winter season and complies with all regulations set forth within this ordinance.

Seasonal Roadside Stand – A temporary structure intended to sell produce that was locally grown on a farm located within the Township. The term produce shall include fruits, vegetables, flowers, baked goods, and similar items.

Setback – The distances that a structure is held away from an adjacent property line, as required relative to front, side and rear property lines in each zoning district.

Setback Line – A line within a property parallel to the adjacent property line and set back from the property line a minimum distance as established by this Ordinance, depending on zoning district's location of the property line as a front, side, or rear line. The setback lines in a property describe the limits of new roofed construction on the property.

Sewage Enforcement Officer – A person appointed by the Board of Supervisors and licensed by the Commonwealth with power to approve or reject individual proposed sewage treatment systems and to advise alternatives available when a system is rejected.

Shopping Center – Multiple retail/commercial stores that are separated primarily by vertical walls and are in a complex designed as an integrated unit served by common parking and service facilities, and which has architectural and landscape unity. Such use may also include allowed offices, restaurants and personal service uses.

Sign – Any panel or any construction of interrelated parts projecting a message of words, symbols and/or pictures designed to be viewed by the public but not, including the support for the sign. The "area" of a sign shall be all the area of a panel, or all the area enclosed by connecting the extremities of the sign's interrelated parts.

Ground sign - A free-standing sign supported entirely by its own structure in the ground and not attached to any building or other structure.

Wall sign - A sign applied flat to a building wall and extending no more than one (1) foot therefrom.

Projecting sign - A sign attached to a building wall along one edge or attached by a bracket perpendicular to the wall surface.

Temporary sign - A sign which is permitted to remain in place for not more than thirty (30) days.

Inflatable sign - A sign or advertising device designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable advertising devices.

Sight Distance – The unimpeded view a vehicle operator has along the road he is traveling or the road he is entering or crossing, such distances related to driver reaction time and posted vehicle speed limits and assuming the operator’s eye level above the pavement to be not less than two feet six inches (2’6”) nor greater than eight (8) feet.

Solar Energy System - An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user, or which is to be sold to a utility company to be used by others, or sold directly to other users. A solar energy system may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

1. Small - Solar energy systems installed for personal use in residences, commercial properties, and institutions.

2. Large - Solar energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

State DEP – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Storage Facility - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis for the purpose of dead storage (i.e., goods not in use and not associated with office, retail, or other business use on the premises).

Stormwater – Water or snow melts that falls upon and flows across the land surface seeking the lower elevations in its passage.

Story – The vertical dimension between a floor and the floor of the level next above or next below when the dimension between floors is at six (6) feet, or if no floor is above, then the ceiling above.

Street – An improved vehicular route within a right-of-way not less than thirty-three (33) feet in width, which affords the primary means of access to abutting properties. The meaning of street shall also apply to the term “road” or “highway.”

Structure – Any permanent man-made construction in, on, or over the ground surface and attached to the ground, but not including paving or surfaces treated for vehicular or pedestrian passage.

Subdivision – The division or redivision of a property into two (2) or more properties for the purposes of lease, sale, or development.

Swimming Pool – A water-filled vessel built into the ground or erected upon the ground surface when any dimension across the vessel exceeds fifteen (15) feet and the depth at any location is greater than thirty-six (36) inches, except farm ponds.

Temporary Lodging - A residential property that hosts rent on a short-term basis to travelers.

Temporary Structure – A building without basement which is allowed to occupy a lot or site for a specified period, after which it must be removed.

Transportation Terminal – Any premises used by a freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

Townhouse – A dwelling in a group of at least three (3) similar dwellings, attached to its neighbor along a common unpierced party wall, with direct access to the outside front and rear, and with no part of another dwelling below or above it.

Variance – A grant of the Zoning Hearing Board permitting an owner to use a property not wholly in accordance with this Ordinance because the Board finds that strict conformance would be a hardship not created by the owner, depriving him of a reasonable use of the property and a specific minor variation or variations in the regulations will not detrimentally affect abutting properties or the public.

Veterinary Hospital – Any premises where domestic animals are brought for temporary care on site, where they may be groomed, trained, exercised, socialized, or provided with veterinary medical care, dentistry or surgery but are not bred, sold, or let for hire. Does not include animal boarding. Accessory uses may include the confinement of animals for medical reasons, grooming or destruction.

Warehousing - A building used primarily for the storage and distribution of goods, merchandise, supplies, and equipment including wholesalers which display, sell, and distribute merchandise.

Wholesale Business – An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Wind Energy System: Large - All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service, and access roads, and one or more wind turbines, which have a total rated nameplate capacity of not more than 100kW/ 0.1MW.

Wind Energy System: Small - Equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power with a rated output of electrical power production equipment of greater than 100kW/0.1MW

Yard – The area of a property between property lines and setback lines, the depth of which is specified for each zoning district by this Ordinance and within which buildings with permanent roofs cannot be built.

Yard Depth – The distance between a property line and the parallel setback line within the property.

Yard, Front – The area of property between the front property line abutting the street or streets to which the property has access, and the front setback line and extending between the side lot line. A property abutting two (2) intersecting streets will have two (2) front yards.

Yard, Rear - The area of a property between the rear property line and rear setback line and extending between the side lot lines.

Yard, Side - the area of a property between the side property lines and side setback lines on each side of a property and extending between the front and rear yards.

Zoning District – A contiguous area of land on all parts of which the same uniform and requirements for development apply.

Zoning District Boundary – The perimeter line completely enclosing a zoning district.

Zoning Hearing Board – A board appointed by the Board of Supervisors to examine and decide appeals for relief from strict conformance to this Ordinance or relief from a decision of the Zoning Officer and to hear testimony regarding the validity of any regulations upon development in the Township.

Zoning Map – The official plan for the zoning district in the Township precisely showing the boundaries and the title of each zoning district, such map a part of this Ordinance.

Zoning Officer – A person retained by Gilpin Township to enforce the regulations of this Ordinance, with power to issue permits and to halt illegal construction, and to interpret literally the meaning of the various sections of the zoning ordinance subject to appeal to the Zoning Hearing Board.