

**NORTH BUFFALO TOWNSHIP**  
**ORDINANCE # 19-2**  
**ZONING**

**Table of Contents**

ARTICLE I.....7  
PURPOSE AND AUTHORITY .....7  
1.1 PURPOSE AND AUTHORITY .....7  
1.2 SHORT TITLE.....7  
1.3 STATEMENT OF COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES7  
1.4 MUNICIPAL LIABILITY .....9  
1.5 INTERPRETATION AND STRICT CONSTRUCTION .....9  
ARTICLE II .....10  
DESIGNATION OF DISTRICTS .....10  
2.1 DESIGNATION OF DISTRICTS .....10  
2.2 ESTABLISHMENT OF DISTRICT MAP .....10  
2.3 BOUNDARIES.....10  
ARTICLE III .....12  
TERMS AND DEFINITIONS .....12  
3.1 GENERAL INTERPRETATION.....12  
3.2 DEFINITIONS .....12  
ARTICLE IV .....41  
PERFORMANCE STANDARDS.....41  
4.1 GENERAL PERFORMANCE .....41  
4.2 ENVIRONMENTAL PERFORMANCE STANDARDS .....41  
4.3 ODOR.....42  
4.4 STORAGE AND WASTE DISPOSAL .....42  
4.5 AIR POLLUTION .....43  
4.6 DUST, FUMES, VAPORS AND GASES.....43  
4.7 GLARE.....43  
4.8 VIBRATIONS.....44  
4.9 DISCHARGE .....44  
4.10 HEAT, COLD, DAMPNESS OR MOVEMENT OF AIR.....44  
4.11 NOISE.....44  
4.12 ELECTRICAL DISTURBANCE OR RADIOACTIVITY .....45  
4.13 MAINTENANCE OF PROPERTY .....45  
4.14 VEHICLE AND EQUIPMENT MAINTENANCE.....45  
ARTICLE V .....46  
AR AGRICULTURE RESIDENTIAL DISTRICT .....46  
5.1 PURPOSE.....46  
5.2 GENERAL PROVISIONS .....46  
5.3 PERMITTED USES .....46  
5.4 ACCESSORY USES.....47

North Buffalo Township  
 Zoning Ordinance

5.5	CONDITIONAL USES .....	47
5.6	USES BY SPECIAL EXCEPTION .....	48
5.7	LOT AREA AND WIDTH .....	48
5.8	REQUIRED YARDS .....	48
5.9	HEIGHT .....	49
5.10	LOT COVERAGE .....	49
5.11	OFF-STREET PARKING AND LOADING .....	49
5.12	SIGNS .....	49
5.13	BUILDING AND/OR ZONING PERMITS .....	49
ARTICLE VI	.....	50
R-1	LOW DENSITY RESIDENTIAL DISTRICT .....	50
6.1	PURPOSE .....	50
6.2	GENERAL PROVISIONS .....	50
6.3	PERMITTED USES .....	50
6.4	ACCESSORY USES .....	50
6.5	CONDITIONAL USES .....	51
6.6	USES BY SPECIAL EXCEPTION .....	51
6.7	LOT AREA AND WIDTH .....	51
6.8	REQUIRED YARDS .....	51
6.9	HEIGHT REGULATIONS .....	52
6.10	LOT COVERAGE .....	52
6.11	OFF-STREET PARKING AND LOADING .....	52
6.12	SIGNS .....	53
6.13	BUILDING AND/OR ZONING PERMITS .....	53
ARTICLE VII	.....	54
R-2	MODERATE DENSITY RESIDENTIAL DISTRICT .....	54
7.1	PURPOSE .....	54
7.2	GENERAL PROVISIONS .....	54
7.3	PERMITTED USES .....	54
7.4	ACCESSORY USES .....	55
7.5	CONDITIONAL USES .....	55
7.6	LOT AREA AND WIDTH .....	55
7.7	REQUIRED YARDS .....	56
7.8	HEIGHT .....	56
7.9	LOT COVERAGE .....	57
7.10	OFF-STREET PARKING AND LOADING .....	57
7.11	SIGNS .....	57
7.12	BUILDING AND/OR ZONING PERMITS .....	57
ARTICLE VIII	.....	58
NC	NEIGHBORHOOD COMMERCIAL DISTRICT .....	58
8.1	PURPOSE .....	58
8.2	GENERAL PROVISIONS .....	58
8.3	PERMITTED USES .....	58
8.4	ACCESSORY USES .....	59
8.5	CONDITIONAL USES .....	59
8.6	USES BY SPECIAL EXCEPTION .....	59
8.7	LOT AREA AND WIDTH .....	59
8.8	REQUIRED YARDS .....	59

North Buffalo Township  
Zoning Ordinance

8.9 HEIGHT .....	60
8.10 LOT COVERAGE.....	60
8.11 BUFFERYARDS .....	60
8.12 OFF-STREET PARKING AND LOADING .....	60
8.13 SIGNS.....	60
8.14 BUILDING AND/OR ZONING PERMITS.....	60
ARTICLE IX.....	61
L-1 LIGHT INDUSTRIAL DISTRICT.....	61
9.1 PURPOSE.....	61
9.2 GENERAL PROVISIONS .....	61
9.3 PERMITTED USES .....	61
9.4 ACCESSORIES USES .....	62
9.5 CONDITIONAL USES .....	62
9.6 USES BY SPECIAL EXCEPTION.....	62
9.7 LOT AREA AND WIDTH .....	62
9.8 REQUIRED YARDS .....	62
9.9 HEIGHT .....	62
9.10 LOT COVERAGE.....	63
9.11 BUFFERYARDS .....	63
9.12 SIGNS.....	63
9.13 OFF-STREET PARKING AND LOADING .....	63
9.14 BUILDING AND/OR ZONING PERMITS.....	63
ARTICLE X.....	64
RESERVED FOR FUTURE USE.....	64
ARTICLE XI.....	65
PLANNED RESIDENTIAL DEVELOPMENT .....	65
11.1 PLANNED RESIDENTIAL DEVELOPEMNT .....	65
11.2 OWNERSHIP REQUIREMENTS .....	65
11.3 AVAILABILITY OF PUBLIC SERVICE AND ACCESS .....	66
11.4 REVIEW AND APPROVAL PROCEDURES .....	67
11.5 STANDARDS AND REQUIREMENTS .....	75
11.6 SURETY AND IMPROVEMENTS .....	79
11.7 FEES .....	80
11.8 ENFORCEMENT AND MODIFICATIONS .....	80
ARTICLE XII.....	83
SUPPLEMENTAL REGULATIONS .....	83
12.1 USE REGULATIONS .....	83
12.2 SITE PLAN REVIEW CRITERIA.....	86
12.3 PREVENTATIVE REMEDIES .....	93
12.4 PROHIBITED USES.....	94
12.5 USES NOT PROVIDED FOR .....	95
12.6 HEIGHT REGULATIONS .....	96
12.7 MINIMUM FLOOR AREAS .....	96
12.8 LOT AREA AND ACCESS.....	97
12.9 SPECIAL YARD REGULATIONS .....	97
12.10 BUFFERYARDS .....	99
12.11 DRAINAGE REGULATIONS .....	102
12.12 DEEP OR OPEN PIT MINING.....	103

North Buffalo Township  
Zoning Ordinance

12.13 COMMUNICATIONS TOWERS .....	103
12.14 FORESTRY/LOGGING ACTIVITIES .....	105
12.15 AUTO RESTORATION .....	110
ARTICLE XIII .....	111
CONDITIONAL USES AND USES BY SPECIAL EXCEPTION .....	111
13.1 CONDITIONAL USES .....	111
13.2 ADULT BUSINESSES.....	113
13.3 ASSSITED LIVING FACILITIES (Personal Care or Nursing Home) .....	114
13.4 JUNKYARD (Automotive Recycling Facility) .....	116
13.5 EDUCATIONAL OR RELIGIOUS USES .....	116
13.6 GREENHOUSES AND LANDSCAPING SUPPLY YARDS .....	117
13.7 HOME OCCUPATION.....	118
13.8 MODULAR OR MOBILE HOME PARKS AND/OR RV CAMPGROUNDS ....	119
13.9 MOTELS AND HOTELS.....	120
13.10 PLANNED RESIDENTIAL DEVELOPEMENTS.....	121
13.11 PUBLIC OR PRIVATE HIGH SCHOOLS.....	121
13.12 PUBLIC PARKS AND PLAYGROUNDS.....	122
13.13 RETAIL SHOPPING CENTERS .....	122
13.14 SANITARY LANDFILLS AND TRANSFER STATIONS.....	123
13.15 SENIOR CITIZEN HIGH RISE.....	126
13.16 RECREATIONAL ACCESSORY STRUCTURES.....	126
13.17 SUPPLY YARDS AND CONTRACTOR YARDS.....	127
13.18 MIXED USE SHOPPING CENTERS .....	127
13.19 ADAPTIVE REUSE.....	128
13.20 USES BY SPECIAL EXCEPTION .....	130
13.21 AGRICULTURAL OPERATIONS.....	131
13.22 SINGLE-FAMILY DWELLINGS .....	132
13.23 TEMPORARY SECOND DWELLING .....	132
13.24 BILLBOARDS .....	133
ARTICLE XIV .....	134
SIGNS.....	134
14.1 SIGNS IN RESIDENTIAL DISTRICTS .....	134
14.2 BILLBOARD OR OFF-SITE ADVERTISING SIGNS .....	135
14.3 BUSINESS IDENTIFICATION SIGNS .....	138
14.4 GENERAL REGULATIONS FOR ALL SIGNS .....	138
ARTICLE XV .....	140
OFF-STREET PARKING, LOADING AND UNLOADING.....	140
15.1 GENERAL REGULATIONS .....	140
15.2 PARKING FACILITIES REQUIRED.....	142
ARTICLE XVI.....	145
ZONING HEARING BOARD.....	145
16.1 CREATION AND APPOINTMENT .....	145
16.2 REMOVAL OF MEMBERS.....	145
16.3 ORGANIZATIONAL OF ZONING HEARNING BOARD.....	145
16.4 JURISDICTION .....	146
16.5 GENERAL PROCEDURES.....	148
16.6 MEDIATION .....	150
16.7 VARIANCE .....	150

North Buffalo Township  
Zoning Ordinance

16.8 APPEAL OF ZONING AND CODES OFFICER'S DECISION.....	151
16.9 SPECIAL EXCEPTION .....	151
16.10 TIME LIMITATIONS.....	152
16.11 APPEALS .....	152
ARTICLE XVII.....	153
NONCONFORMANCE.....	153
17.1 PURPOSE.....	153
17.2 LOTS OF RECORD NOT MEETING LOT AREA REQUIREMENTS.....	154
17.3 RESTORATION .....	154
17.4 DISCONTINUANCE OF USE .....	154
17.5 ABANDONMENT .....	155
17.6 CONTINUATION OF NONCONFORMING USE .....	155
17.7 EXPANSION OF NONCONFORMING USE.....	155
ARTICLE XVIII .....	156
AMENDMENTS.....	156
18.1 AMENDEMENTS .....	156
18.2 PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENT .....	159
ARTICLE XIX.....	161
ADMINISTRATION.....	161
19.1 ZONING AND CODES OFFICER .....	161
19.2 PERMITS .....	162
19.3 INSPECTION.....	163
19.4 CERTIFICATION OF OCCUPANCY .....	164
ARTICLE XX .....	165
ENFORCEMENT REMEDIES .....	165
20.1 VIOLATIONS.....	165
20.2 PENALTIES .....	166
20.3 REMEDIES .....	166
ARTICLE XXI.....	167
VALIDITY AND INTERPRETATION .....	167
21.1 VALIDITY .....	167
21.2 INTERPRETATION, PURPOSE AND CONFLICT.....	167
21.3 REPEALER .....	167
21.4 FEES .....	167
ARTICLE XXII.....	168
ENACTMENT AND EFFECTIVE DATE.....	168

## **NORTH BUFFALO TOWNSHIP**

### **ORDINANCE # 19-2**

#### **ZONING**

AN ORDINANCE regulating the height, number of stories and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures, the percentage of that lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land of trade, industry, residence or other purposes; establishing and maintaining building lines and establishing minimum yards in relation to public roads or highways; establishing districts and the boundaries thereof for said purposes; providing for the appointment of a Zoning Hearing Board and setting forth duties and functions of said board; and providing for the administration and enforcement of this Ordinance through the creation of a Zoning and Codes Officer position, establishing penalties for violation thereof; in addition this Ordinance provides definitions and terms and establishing procedural requirements required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, and all subsequent amendments thereto.

## **ARTICLE I**

### **PURPOSE AND AUTHORITY**

#### **1.1 PURPOSE AND AUTHORITY**

The purpose of this Ordinance is to promote the public health, safety, moral and general welfare of residence of North Buffalo Township. The following regulations shall be in force and effect upon signature by the Board of Supervisors of North Buffalo Township.

#### **1.2 SHORT TITLE**

This Ordinance shall be known as “The North Buffalo Township Zoning Ordinance”.

#### **1.3 STATEMENT OF COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES**

This ordinance has been prepared in consideration of the character of the Township, with the recognition of the presence of environmental constraints which indicate a growth management approach based on the occurrence within the Township of steep slopes, wetlands, floodplains and land which is not accessible to public water and sanitary sewage facilities. Elements considered in the preparation of this ordinance include existing land use patterns, the character of the remaining undeveloped land and the capacity of the community’s basic infrastructure to support additional development. Consideration has also been given to development activities and trends in the area surrounding the Township. The purpose of the ordinance is to guide future growth and development within the Township in accordance with the following general goals:

##### **1.3.1**

##### **Goals:**

- A. Retain the rural character of the Township through the application of growth management techniques;
- B. Pursue land use policies which emphasize creative treatment of existing conditions and result in low-impact development;
- C. Continue to monitor the condition and type of Township housing and commercial development through permit tracking and field surveys;
- D. Undertake physical improvements to the man-made landscape that will create a usable infrastructure, better community and improve

North Buffalo Township  
Zoning Ordinance

- the attractiveness of the Township as a place to live and work;
- E. Provide for a variety of employment opportunities as well as a range of housing options in appropriate areas;
- F. Provide citizens and prospective developers with a clear understanding of the Township's land use decision making process;
- G. To encourage citizen participation in the land use decision making process;
- H. Adopt smart growth policies including compact developments, open space, flexible design standards, and infill along public transportation and utility corridors.

1.3.2 Specific Objectives

- A. Short Range:
  - (1) Land Use: Retain the rural character of the community and preserve the natural environment through the conservation of open space.
  - (2) Housing: Encourage maintenance and repair of existing housing while promoting quality in new construction.
  - (3) Transportation: Commit additional tax revenues to Township road maintenance and capacity improvements in areas experiencing growth.
  - (4) Public Facilities: Continue use of the Township building as a public forum for local government activities and community events.
  - (5) Public Utilities: Establish a need-based policy of public utility extensions to limit impact of required connections on homeowners Township-wide.
  - (6) Socioeconomic: Promote a broad Township-wide tax base with residential, neighborhood, commercial and light manufacturing land uses.
  
- B. Long Range
  - (1) Land Use: Establish growth management policies which preserve the Township's rural character and maintains the



- value of developed and undeveloped land.
- (2) Housing: Encourage the maintenance of existing and future housing stock, including low maintenance, multi-family housing and starter homes.
  - (3) Transportation: Adopt a transportation capital improvements program with prioritized roadway projects through the year 2028.
  - (4) Public Facilities: Acquire land for the delivery of municipal services such as road maintenance or public recreation.
  - (5) Public Utilities: Prepare and update a Township Act 537 plan for sanitary sewerage treatment and disposal.
  - (6) Socioeconomic: Provides positive atmosphere for new employment opportunities while limiting impacts of high intensity development on existing properties.

#### **1.4 MUNICIPAL LIABILITY**

The granting of a Zoning/Building Permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure, use or other proposed plan from any cause whatsoever, and shall create no liability upon, or a cause of action against such public official or employee for any damage that may result pursuant thereto.

#### **1.5 INTERPRETATION AND STRICT CONSTRUCTION**

In applying and interpreting the provisions of this Ordinance, they shall be held to be the minimum requirements necessary for the promotion of health, safety and general welfare of the residents of North Buffalo Township. The provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to the effective date. All ordinance regulations and rules made pursuant to any act of assembly repealed by Act 170, an amendment to the Pennsylvania Municipalities Planning Code and Act 247, as amended, shall continue except as those provisions are inconsistent herewith. The provisions of this Ordinance pursuant to authority granted by Act 247, as amended, shall be severable, and if any of its provisions shall be held to be unconstitutional, the validity of any of the remaining provisions shall not be affected. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

## **ARTICLE II**

### **DESIGNATION OF DISTRICTS**

#### **2.1 DESIGNATION OF DISTRICTS**

For the purpose of this Ordinance, the Township is hereby divided into districts which shall be designated as follows:

AR Agricultural

R-1 Low Density Residential District

R-2 Moderate Density Residential District

NC Neighborhood Commercial District

L-I Light Industrial District

*Reserved for Future Use*

#### **2.2 ESTABLISHMENT OF DISTRICT MAP**

The boundaries of said districts shall be shown upon the map attached to and made a part of this Ordinance which shall be designated as the official “North Buffalo Township Zoning Map”. The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

#### **2.3 BOUNDARIES**

- 2.3.1 The boundaries between districts are, unless otherwise indicated, either the centerlines of existing cartways, alleys, railroad right-of-way, steam channels or such lines extended, or lines parallel thereto as shown on the Zoning Map. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet to indicate. Where no figures are shown and no other definite

North Buffalo Township  
Zoning Ordinance

boundaries are indicated on the Zoning Map then scaled distances shall be used in accordance with the scale shown on the Zoning Map.

- 2.3.2 When a zoning district boundary line divides a lot held in single and separate ownership on the effective date of this Ordinance so that part of the lot is in a more restrictive district than the other part of the lot, the regulations of this Ordinance as to the uses and restrictions which are applicable to the part of the lot with the greatest length of frontage shall dictate. Where the zoning boundary line runs perpendicular to the lot boundary line, in no case shall the split-zoned lot be developed in accordance with the provisions of this applicable zoning district in excess of one hundred percent (100%) of the distance from the right-of-way line to the zoning boundary line.

## ARTICLE III

### TERMS AND DEFINITIONS

#### 3.1 GENERAL INTERPRETATION

It is not intended that this Glossary include only those words used or referred to in this Ordinance. The words are included to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate officers, staff, consultants, and by the Planning Commission, Zoning Hearing Board and Board of Supervisors.

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

- 3.1.1 Words used in the present tense include the future tense.
- 3.1.2 The singular includes the plural.
- 3.1.3 The word “Person” includes a corporation, partnership or similar legal entity as well as an individual.
- 3.1.4 The word “lot” includes the word “plot” or “parcel”.
- 3.1.5 The term “shall” is always mandatory.
- 3.1.6 The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

#### 3.2 DEFINITIONS

- 3.2.1 **ACCESSORY BUILDING:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
- 3.2.2 **ACCESSORY USE:** A customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use

or building.

- 3.2.3      ADAPTIVE REUSE: A conditional use which exhibits an overriding public interest, which can be accommodated on a lot and in an existing structure as a principal use where the external characteristics of the proposed use are similar to the previous use.
- 3.2.4      ADULT BUSINESS: Those uses providing adult reading or viewing material which depicts or describes nudity or sexual activity and/or entertainment including adult bookstores or video stores, adult movie theaters or movie houses and live theaters.
- 3.2.5      AGRICULTURAL OPERATIONS: An enterprise that is actively engaged in the commercial production and preparation for market of the 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.
- 3.2.6      ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- 3.2.7      ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- 3.2.8      ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- 3.2.9      AMENDMENT: A change in use in any district which includes revisions to

North Buffalo Township  
Zoning Ordinance

the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Board of Supervisors.

- 3.2.10 AMUSEMENT PARK: A tract of land or an area used principally as the location for permanent amusement structures or rides.
- 3.2.11 APARTMENT: An area within a building designed for use of a person or persons for the dwelling purposes, including kitchen/cooking, bathroom and sleeping facilities, and same shall constitute a dwelling unit.
- 3.2.12 APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.
- 3.2.13 APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
- 3.2.14 ARCHITECTURAL PROJECTION: That portion of a structure designed to accommodate an aesthetic or incidental function such as a bay window, chimney or stairway landing. The projection shall not be used in the determination of a minimum setback or yard.
- 3.2.15 AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings, commonly known as the building footprint, exclusive of unroofed porches, terraces, and steps.
- 3.2.16 AREA, LOT: The total area within the lot lines.
- 3.2.17 ASSISTED LIVING FACILITIES: Housing that provides residents with a program of assisted-living services which includes dressing, grooming and bathing, to deal with the activities and instrumental activities of daily living.

North Buffalo Township  
Zoning Ordinance

- 3.2.18        **AUTOMOTIVE SERVICE STATION:** A building or structure, and the property on which the building or structure is located, where gasoline or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed, at retail, and where minor repair service or an automated car wash may be offered.
- 3.2.19        **BASEMENT:** A story partly underground but having at least one-half (½) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room.
- 3.2.20        **BED AND BREAKFAST:** A dwelling in which overnight accommodations and a morning meal are provided or offered for transient guests for compensation.
- 3.2.21        **BOARD:** Anybody granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code, Act 247, as amended, to render final adjudications.
- 3.2.22        **BOARDING STABLE:** A structure designed for the feeding, housing, and exercising of horses not all owned by the owner of the premises.
- 3.2.23        **BUFFER (Bufferyard):** Land area used to physically and/or visibly separate one use from another or to shield or block noise, lights, visibility or an activity that may, or in fact does, constitute a nuisance if not buffered from use of other lands.
- 3.2.24        **BUFFER ZONE:** Land surrounding the immediate perimeter of a logging operation in which the cutting of trees or other vegetation shall be limited except for the isolated cutting of individual trees which are dead, damaged, sick, infected, or constitute a danger to neighboring properties or the public generally.

North Buffalo Township  
Zoning Ordinance

- 3.2.25 BUILDING, ACCESSORY: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
- 3.2.26 BUILDING, DETACHED: A building surrounded by open spaces on the same lot.
- 3.2.27 BUILDING, FRONT LINE OF: The line of the face of the building nearest the front line of the lot. This face includes sun parlors and roofed porches whether enclosed or unenclosed but does not include steps.
- 3.2.28 BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 3.2.29 BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.
- 3.2.30 BUILDING: Any structure having a roof supported by walls and/or beams intended for the shelter, housing or enclosure of persons, animals, machinery or produced goods.
- 3.2.31 BUSINESS OFFICE: That area of structure or building devoted to the conduct of activities associated with business transactions, including but not limited to word processing, typing, filing of records, and the answering of phones.
- 3.2.32 CARPORT: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.



North Buffalo Township  
Zoning Ordinance

- 3.2.33 CELL SITE: A tract or parcel of land that contains the cellular phone antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular phone transmissions.
- 3.2.34 CELLAR: A story partly underground and having more than one-half ( $\frac{1}{2}$ ) of its clear height below that average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.
- 3.2.35 CEMETERY: Land used or intended to be used for the burial of the dead including but not limited to Columbarium's and Mausoleums.
- 3.2.36 CLEAR CUTTING: A logging method that removes all trees from a tract of land or portion thereof.
- 3.2.37 COMMERCIAL: Engaging in a business, enterprise, activity or other undertaking for profit.
- 3.2.38 COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas aside for public facilities.
- 3.2.39 COMMUNICATIONS FACILITIES: Buildings, towers and equipment erected and used for the purpose of facilitating transmission and/or exchange of cellular telephone, transmitting data, commercial radio frequencies, or radio telephone message(s) between subscribers and other business of the transmission company. In a residential district this use category does not include public business offices, storage of materials, truck storage or repair facilities, or the housing of repair crews.
- 3.2.40 CONDITIONAL USE: A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

North Buffalo Township  
Zoning Ordinance

- 3.2.41        **CONSISTENCY:** An agreement of correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.
- 3.2.42        **CONTRACTOR’S YARD:** A lot or portion of a lot or parcel of land used to store equipment and/or materials used by the contractor, which may or may not include office space for the contracting business.
- 3.2.43        **CONVERSION APARTMENT:** A multi-family dwelling constructed by converting an existing dwelling into apartments for more than one (1) family without substantially altering the exterior building.
- 3.2.44        **COURT:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.
- 3.2.45        **COVERAGE:** That portion or percentage of a lot or parcel covered by permanent structures.
- 3.2.46        **CURB LEVEL:** The officially established grade and or height of the curb.
- 3.2.47        **DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Armstrong County.
- 3.2.48        **DEFORESTATION:** The removal of all trees and shrubbery in an area precedent to development.
- 3.2.49        **DETERMINATION:** Final action by an officer, body or agency charged with the administration of land use ordinance or applications thereunder shall be accordance to the Pennsylvania Municipalities Planning Code, Act

North Buffalo Township  
Zoning Ordinance

247 of 1968, as amended by Act 206 of 2004 and Act 99 of 2005.

- 3.2.50 DEVELOPER: Any landowner, agent of such landowner, or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 3.2.51 DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.
- 3.2.52 DEVELOPMENT PLAN: The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition.
- 3.2.53 DRIVE-IN USE: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- 3.2.54 DUMP: A lot, tract or parcel of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind in accordance with the Pennsylvania regulations, restrictions, and / or prohibitions.
- 3.2.55 DWELLING: A building designed or used as the living quarters for one (1) or more families. The term “dwelling”, “one-family dwellings”, “multi-family dwellings”, or “dwelling unit” shall not be deemed to include a recreational vehicle, RV park, trailer park, motel or hotel.

North Buffalo Township  
Zoning Ordinance

- 3.2.56 DWELLING, MULTI-FAMILY: Multi-family dwelling unit includes “Duplex,” “Triplex,” “Quadruplex,” and “Townhouses” and is defined as a minimum of two (2) and a maximum of six (6) attached single family dwellings having a common wall or abutting walls between units.
- 3.2.57 DWELLING, ONE-FAMILY DETACHED: A house accommodating ~~but~~ a single-family and having two (2) side yards.
- 3.2.58 DWELLING, UNIT: A building or portion thereof providing complete housekeeping facilities for one family.
- 3.2.59 FAMILY: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. Family living arrangements licensed by the Commonwealth shall be reviewed by the Board of Supervisors.
- 3.2.60 FARM STAND: A booth, tent or stall located on a farm from which produce and farm products of the farm are sold to the general public.
- 3.2.61 FARM: An enterprise that is actively engaged in the commercial production and preparation for market of the crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua cultural 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.
- 3.2.62 FOOTPRINT: That area of a building lot or site which is defined by the outside dimensions of a footer or footings placed below grade to support the load of the construction.
- 3.2.63 FORESTER: A person with a degree in forestry from a college or university accredited by the Society of American Foresters who has experience in

woodlot management.

- 3.2.64 FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
- 3.2.65 GARBAGE, PRIVATE: An enclosed or covered space in a residentially zoned area for the storage of motor vehicles, provided that no business, occupation or service is conducted for a profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.
- 3.2.66 GARAGE, PUBLIC: Any garage not a private garage in an appropriate commercial district and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.
- 3.2.67 GOVERNING BODY: The Council in cities, boroughs and incorporated towns; the Board of Commissioners in townships of the first class; the Board of Supervisors in townships of the second class, the Board of Commissioners in counties of the second class through eighth class or as may be designated in the law provided for the form of government.
- 3.2.68 GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
- 3.2.69 GROSS FLOOR AREA: The sum of the gross horizontal inside areas of the several floors of a building excluding cellars, attics, garages, open breezeways, open porches and terraces.
- 3.2.70 GROUP CARE FACILITY (Personal Care, Nursing and/or Rest Homes): A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped; or any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the Court system; or any number of mentally disturbed persons of any age who are in need of

North Buffalo Township  
Zoning Ordinance

supervision and staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and/or rehabilitative services to the residents under the supervision of governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation.

- 3.2.71 HEARING: An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 3.2.72 HOME GARDENING: The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of product raised thereon.
- 3.2.73 HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is conducted and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.
- 3.2.74 HORTICULTURE: The science and act of growing fruits, vegetables, flowers, or ornamental plants.
- 3.2.75 HOSPITAL: Unless otherwise specified, the term “hospital” shall be deemed to include sanitarium, preventorium, clinic, ~~rest home, nursing home~~, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.
- 3.2.76 HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building and providing for accessory off-street parking facilities.

North Buffalo Township  
Zoning Ordinance

- 3.2.77 JUNK, AUTOMOBILE: A motor vehicle not in running condition, stored in the open, not being restored to operation, unlicensed and without a current Pennsylvania State inspection sticker and/or vehicle registration.
- 3.2.78 JUNK: Any worn, cast-off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, recycling or conversion to some other use. Any such article or material which, without alteration, disassembly, unfastening, reconditioning, or changing can be used for its original purpose as readily as when new shall not be considered junk.
- 3.2.79 JUNKYARD (Automotive Recycling): The use of more than one hundred (100) square feet of the area of any lot for storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobile or other vehicles, machinery or equipment or parts thereto. A junkyard shall include an automobile graveyard, or motor vehicle graveyard, and an automobile recycling facility.
- 3.2.80 KENNEL: A commercial establishment keeping four (4) or more dogs or other domesticated animals which are more than six (6) months old and in which such animals are housed, groomed, bred, boarded, trained, or sold all for a fee or compensation. A kennel may only be established on a land area containing four (4) acres or more, and exterior exercise yards and structures for animals must be set back a minimum of one hundred (100) feet from the nearest property line of the land being used for a kennel.
- 3.2.81 LAND DEVELOPMENT: Any of the following activities:
- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
    - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

North Buffalo Township  
Zoning Ordinance

- (2) The division allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  - B. A subdivision of land.
  - C. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1899.
  
- 3.2.82 LANDFILL: A lot or land or part thereof used primarily for the disposal by abandonment, or storage, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material regulated by the Pennsylvania Department of Environmental Protection.
  
- 3.2.83 LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
  
- 3.2.84 LIGHT INDUSTRY: Specified industrial uses that meet the performance standards, bulk controls, and other requirements established in this ordinance.
  
- 3.2.85 LIGHT MANUFACTURING: Manufacturing facilities involving hard or soft goods production where assembly or manufacturing used are the primary processes and which do not involve environmental hazards to the Township.
  
- 3.2.86 LIGHTING:
  - A. Diffused: That form of lighting where in the light passes from the source through a translucent cover or shade.



North Buffalo Township  
Zoning Ordinance

- B. Direct or Flood: That form of lighting wherein the source is viable and the light is distributed directly from it to the object to be illuminated.
  - C. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.
- 3.2.87 LINE, STREET: The dividing line between the street right-of-way line and the lot boundary line.
- 3.2.88 LOGGING: The cutting down of trees in or for any types of business or commercial purpose. The clearing of property for the expansion of a yard is not considered logging providing harvested trees are not sold for profit.
- 3.2.88a LOG: as defined, is cylindrical in shape, eight (8) inches or more in diameter, and five (5) or more feet long.
- 3.2.89 LOT LINES: The lines bounding a lot as defined herein.
- 3.2.90 LOT, CORNER: A parcel of land abutting on two (2) or more intersecting streets.
- 3.2.91 LOT, INTERIOR: A lot other than a corner lot.
- 3.2.92 LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- 3.2.93 MANUFACTURED HOUSING (Mobile and Modular): Factory built, single family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C., Section 5401) commonly known as the HUD, U.S. Departments of Housing and Urban Development Code.
- 3.2.94 MEDIATION: A voluntary negotiating process in which parties in a dispute

North Buffalo Township  
Zoning Ordinance

mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

- 3.2.94a MEDICAL MARIJUANA: A plant used to treat various medical conditions. Pennsylvania Act 16 Includes Facilities, Growers/processors and dispensaries
- 3.2.95 MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.
- 3.2.96 MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
- 3.2.97 MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.
- 3.2.98 MOBILE HOME: A transportable single-family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile homes. All mobile homes must meet standards as set forth in the National Manufactured Home Construction and Safety Standards Act (42 U.S.C., Section 5401) commonly known as the HUD, U.S. Departments of Housing and Urban Development Code. (See also Manufactured Housing.)
- 3.2.99 MODULAR HOME: A structure consisting of two (2) or more modules, sections or units, which were designed to be moved from the place of manufacture to a homesite and there permanently connected together and

North Buffalo Township  
Zoning Ordinance

placed upon a foundation to form an integral and immobile dwelling, having the external appearance of a conventional house constructed. All mobile homes must meet standards as set forth in the National Manufactured Home Construction and Safety Standards Act (42 U.S.C., Section 5401) commonly known as the HUD, U.S. Departments of Housing and Urban Development Code. (See also Manufactured Housing.)

- 3.2.100 MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.
- 3.2.101 MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authorities Act of 1945.”
- 3.2.102 MUNICIPAL ENGINEER: A Registered Professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.
- 3.2.103 MUNICIPALITY: Any city of the second-class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or similar general-purpose unit of government which shall hereafter be created by the General Assembly.
- 3.2.104 NET SITE AREA (Planned Residential Development): The land area actually in use or proposed for use of residential purposes not including area set aside for public use, utility easements, stormwater management or street right-of-way, and exhibiting slopes in excess of twenty-five (25) percent, floodplains and wetlands.
- 3.2.105 NO IMPACT HOME BASED BUSINESS: 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

North Buffalo Township  
Zoning Ordinance

customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- H. The business may not involve any illegal activity.

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

3.2.107 NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming

North Buffalo Township  
Zoning Ordinance

structures include, but are not limited to, nonconforming signs.

- 3.2.108      **NONCONFORMING USE:** A use, whether of land or structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore and hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
- 3.2.109      **OFFICIAL MAP:** A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 3.2.110      **OUTDOOR STORAGE:** The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- 3.2.111      **OVERLAY DISTRICT:** All that area of land within an area specifically defined as an overlay district following the application of standards established for uses in the underlying zoning districts.
- 3.2.112      **PARKING SPACE:** The area required for parking one (1) automobile, which is held to be an area nine (9) feet wide and eighteen (18) feet long, and the minimum area per parking space shall be one hundred eighty (180) square feet exclusive of aisle-ways and pedestrian passageways. Driveways and traffic aisles serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety-degree parking, twelve (12) feet wide for parallel parking seventeen point five (17.5) feet wide for sixty-degree parking, and thirteen (13) feet for forty-five-degree parking.
- 3.2.113      **PERMANENT FOUNDATION:** An underlying prepared base or support of cemented concrete blocks or similar masonry placed upon a footer (the footer must be below the frost line) upon which a structure is placed and which completely encloses the structure exclusive of half-windows, windows or doors.

North Buffalo Township  
Zoning Ordinance

- 3.2.114 PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot sizes, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.
- 3.2.115 PLANNING AGENCY: A planning commission, planning department, or a planning committee of the governing body.
- 3.2.116 PLAT: A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.
- 3.2.117 PORCH: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.
- 3.2.118 PREMISES: Any lot, parcel or tract of land and any building constructed thereon.
- 3.2.119 PRESERVATION OR PROTECTION: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.
- 3.2.120 PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.
- 3.2.120a PRIVATE COMMERCIAL VEHICLE FUELING AND MAINTENANCE: A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance is dispensed only to vehicles owned or leased by the owner of the property on which the building or structure is located, and

at which maintenance and repair of said vehicles is performed.

- 3.2.121 PUBLIC GROUNDS: Include:
- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
  - B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
  - C. Publicly owned or operated scenic and historical sites.
- 3.2.122 PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 3.2.123 PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the provisions of the Pennsylvania Municipalities Planning Code, as amended.
- 3.2.124 PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (relating to open meetings).
- 3.2.125 PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- 3.2.126 PUBLIC UTILITY FACILITY: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as

electric, gas, telephone, water, sewer, and public transit, to the public.

- 3.2.127 RECYCLING CENTER: A lot, land or structure, or part thereof, used primarily for the recycling, collecting, storage and sale of waste paper, rags scrap metal, plastic or discarded material; or for the collecting, dismantling, storage and salvaging of machinery equipment or vehicles not in running condition, and for the sale of parts thereof.
- 3.2.128 RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes and subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.
- 3.2.129 REPORT: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.
- 3.2.130 RIDING ACADEMY: Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.
- 3.2.131 SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.



North Buffalo Township  
Zoning Ordinance

- 3.2.132      SELECTION METHOD: A method of selectively removing trees from a wooded area either singly or in small groups according to age and size with provision being made for natural or artificial revegetation.
- 3.2.133      SELF-STORAGE FACILITIES: A building or structure containing lockable stalls rented to members of the general public for self-access storage of their personal household goods and personality.
- 3.2.134      SIGN AREA: The entire face of a sign including the advertising surface and any framing, trimming or molding, but not including the supporting structure.
- 3.2.135      SIGN, ANIMATED OR MOVING: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- 3.2.136      SIGN, AWNING, CANOPY OR MARQUEE: A sign that is mounted or painted on, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.
- 3.2.137      SIGN, BILLBOARD: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- 3.2.138      SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
- 3.2.139      SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, and the owners, financial supporters, sponsors, and similar individuals or firms, having a role or interest with respect to the structure or project.

North Buffalo Township  
Zoning Ordinance

- 3.2.140 SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”
- 3.2.141 SIGN, FLASHING: Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
- 3.2.142 SIGN, FREE-STANDING: Any non-movable sign not affixed to a building.
- 3.2.143 SIGN, GOVERNMENTAL: A sign erected and maintained pursuant to the discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
- 3.2.144 SIGN, GROSS SURFACE AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. All signs shall be limited to not more than two (2) faces. All area limitations shall be computed in square feet. Each face of a double-face sign may equal the maximum size permitted for the particular type of sign. When individual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign.
- 3.2.145 SIGN, GROUND: Any sign, other than pole sign, placed upon or supported by the ground independent of any other surface.
- 3.2.146 SIGN, HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation.
- 3.2.147 SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.
- 3.2.148 SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

North Buffalo Township  
Zoning Ordinance

- 3.2.149 SIGN, NAME PLATE: A sign, located on the premises, giving the name or address, or both, of the owner or occupant of the building premises.
- 3.2.150 SIGN, POLE: A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six (6) feet or more above ground.
- 3.2.151 SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.
- 3.2.152 SIGN, PORTABLE: A sign that is non-permanent, affixed to a building, structure or the ground.
- 3.2.153 SIGN, PRIVATE SALE OR EVENT: A temporary sign advertising private sales of personal property such as “house sales,” “garage sales,” “rummage sales,” and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.
- 3.2.154 SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
- 3.2.155 SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- 3.2.156 SIGN, ROOF: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- 3.2.157 SIGN, SELF-SUPPORTING: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than twelve (12) inches from such building or

North Buffalo Township  
Zoning Ordinance

structure.

- 3.2.158 SIGN, WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.
- 3.2.159 SIGN: Any object, surface, fabric, device or structure, or part thereof, whether situated inside or outside of a structure, bearing lettered, pictorial or sculptured matter intended, designed, or used to convey information visually and exposed to public view which directs attention to an object, product, place, activity, person, institute, organization, or business. The term “sign” does not apply to a flag, emblem or insignia of a nation, political unit, school, athletic scoreboard, or the official announcements or signs of government for highway/traffic purposes or otherwise, including, but not limited to government activities of North Buffalo Township.
- 3.2.160 SLASH: All debris resulting from logging operations, including stems, limbs, and parts thereof.
- 3.2.161 SPECIAL EXCEPTION: A use permitted in a particular zoning district pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 3.2.162 STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
- 3.2.163 STABLE, PUBLIC: A building in which any horses are kept for remuneration, hire, or sale.
- 3.2.164 STOOP: A covered or uncovered area at a front, side or rear door not exceeding four (4) feet by five (5) feet or twenty (20) square feet in area.
- 3.2.165 STORAGE YARD: A lot or portion of a lot, or parcel of land used to store equipment or materials outside of a building but within a fenced and screened area as an accessory use to a commercial establishment.

North Buffalo Township  
Zoning Ordinance

- 3.2.166 STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- 3.2.167 STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
- 3.2.168 STREET GRADE: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the grade of the street shall be taken as the existing street grade.
- 3.2.169 STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- 3.2.170 STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- 3.2.171 SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes in parcels of more than ten (10) acres, not involving any new street or easement of access of any residential dwelling, shall be exempted.
- 3.2.172 SUPPLY YARDS (Also Contractor Yards and Storage Yards): A commercial establishment storing, or offering for sale, building supplies including light wood fabricating and woodworking, steel supplies, heavy equipment, feed and grain and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

North Buffalo Township  
Zoning Ordinance

- 3.2.173 SURVEYOR: A Registered Land Surveyor licensed as such by the Commonwealth of Pennsylvania.
- 3.2.174 SWIMMING POOL, PRIVATE: Any reasonably permanent or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.
- 3.2.175 TEMPORARY SECOND DWELLING: A dwelling that may be permitted to be placed on a lot that already contains one dwelling, based on family hardship encountered by the residents of the existing dwelling that can be cured during the extent of the hardship by the presence of the second dwelling.
- 3.2.176 THEATER, OUTDOOR DRIVE IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.
- 3.2.177 THEATER: A building or part of a building or open amphitheater devoted to the showing of moving pictures or theatrical productions on a paid admission basis.
- 3.2.178 TOPS: That part of a felled tree which is left above the part of the tree to be utilized by the logger.
- 3.2.179 TRAILER (Camping and Recreational Equipment): Shall include travel trailers, pickup coaches, motorized homes, and recreation equipment as follows:
- A. Travel Trailer: A portable structure build on a chassis designed to be towed and used as a temporary dwelling for travel, recreational, and vacation purposes, and permanently identified as a travel trailer

North Buffalo Township  
Zoning Ordinance

by the manufacturer of the trailer.

- B. Pickup Coach or Recreational Vehicle: A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling, travel, recreational, and vacation purposes.
- C. Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Boat: A vessel designed to travel on water.
- E. Boat Trailer: A trailer designed to haul a boat as defined above.

3.2.180 TRANSFER STATION: A lot or structure, or part thereof, used primarily for the collection and/or storage of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agriculture and residential activities.

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

3.2.182 VARIANCE: Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

3.2.183 VETERINARY CLINIC: A building or building and premises in combination where qualified veterinary services are offered including the treatment and boarding of infirm or sick animals.

3.2.183a RETAIL SALES AND WAREHOUSE STORAGE FACILITIES: A facility for the storage of furniture, household goods, or other commercial goods of any nature, attached to a retail store at which offers said goods for sale to the public on a retail basis.

3.2.184 YARD: An unoccupied space open to the sky, on the same lot with a building or structure.

North Buffalo Township  
Zoning Ordinance

- 3.2.185 YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
- 3.2.186 YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.
- 3.2.187 YARD, SIDE: An open unoccupied space on the same lot with a main building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not considered a rear line or a front line shall be deemed a side line.
- 3.2.188 ZONING DISTRICT: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and building.
- 3.2.189 ZONING/CODES OFFICER: The administrative officer designated to administer the zoning ordinance and issue zoning permits.



## ARTICLE IV

### PERFORMANCE STANDARDS

#### 4.1 GENERAL PERFORMANCE

Compliance: All uses in all districts shall be subject to the following standards of operations.

#### 4.2 ENVIRONMENTAL PERFORMANCE STANDARDS

The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, regrading, filling or clearing of vegetation prior to approval of the plans for development shall be a violation of this Article.

- 4.2.1 Floodplain Delineation: One hundred (100) year floodplains shall be delineated by accepted analytical procedures approved by the Township Engineer.
- 4.2.2 Floodplains Development: Development activities shall be regulated as per the provisions of current floodplain regulations, as amended from time to time, and applicable Commonwealth regulations, specifically Chapter 105, Title 25 of the Pennsylvania Code.
- 4.2.3 Steep Slopes: In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
  - A. 16-25%: No more than sixty percent (60%) of such areas shall be developed and/or regraded or stripped of vegetation.
  - B. 26% or more: Earth disturbance activities are generally restricted except as authorized by the Township Engineer.
- 4.2.4 Forest: No more than fifty percent (50%) of any forest as defined may be cleared or developed.
- 4.2.5 Ponds, Watercourses or Wetlands: No development, diverting shall not be permitted except for required roads and utility line extensions, unless

permitted by the appropriate state, county or regulatory agency.

4.2.6 Stormwater Drainage and Management: All plans shall comply with the provisions of state and local regulations in effect at the time of final approval.

4.2.7 Soil Erosion and Sedimentation: With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the “Clean Streams Law P.L. 1987”, Chapter 102 of Title 25 of the Pennsylvania Code, and the “Soil Erosion and Sedimentation Control Manual” of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (ES & SC Plan) shall be required as part of the application for any Township permit where earth disturbance of excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single family construction.

### **4.3 ODOR**

Those standards for the control of odorous emissions established by Armstrong County or the Pennsylvania Department of Environmental Protection shall be applied in all zoning districts. Where odor is deemed offensive, a duly authorized Township representative shall refer the matter to the proper agency.

### **4.4 STORAGE AND WASTE DISPOSAL**

4.4.1 No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over five hundred [500] gallons), above ground except tanks and drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks and drums of fuel.

4.4.2 All permanent bulk outdoor storage facilities for fuel over five hundred (500) gallons, raw materials and products and all fuel, raw materials and products

stored outdoors, shall be enclosed by an approved safety fence.

4.4.3 No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies. A Pennsylvania Department of Environmental Protection approved plan for spill containment shall be submitted to the Township for review by the Township Engineer prior to the issuance of any required permit.

4.4.4 Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

#### **4.5 AIR POLLUTION**

No emission at any point from any chimney or exhaust stack of visible smoke in excess of that permitted by the Air Pollution Control Regulations of Armstrong County or the Pennsylvania Department of Environmental Protection shall be permitted.

#### **4.6 DUST, FUMES, VAPORS AND GASES**

The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or straining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

#### **4.7 GLARE**

No use shall produce a strong, glaring light in excess of ten (10) foot-candles or a reflection of a strong, dazzling light beyond its lot line or onto any public road. Illumination sources shall be shielded from view from adjacent properties and no spillover lighting from parking areas shall exceed one (1) foot candle per square foot beyond the property line.

#### **4.8 VIBRATIONS**

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of vibration produced as a result of temporary construction activity.

#### **4.9 DISCHARGE**

No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.

#### **4.10 HEAT, COLD, DAMPNES OR MOVEMENT OF AIR**

No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

#### **4.11 NOISE**

No new use proposed in any district which, by the nature of its use, operation or activity, produces noise of objectionable character or volume as noted by a person at the property line of the parcel upon which the offending use is location will be permitted.

##### **4.11.1 Residential Uses:**

1. In excess of sixty (60) dba for any period of time between the hours of 10:00 p.m. and 7:00 a.m.
2. In excess of eighty (80) dba for any period of time between the hours of 7:01 a.m. and 9:59 p.m.
3. The use of maintenance equipment, including but not limited to, power mowers, on a temporary basis, in residentially zoned districts shall be exempt from the standards in this Section.

##### **4.11.2 Commercial Uses: In excess of ninety (90) dba for more than two (2) hours during a twenty-four (24) hour period.**

##### **4.11.3 Industrial Uses: In excess of ninety (90) dba for two (2) hours during a twenty-four (24) hour period.**

#### **4.12 ELECTRICAL DISTURBANCE OR RADIOACTIVITY**

No activities which emit dangerous radioactivity at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

#### **4.13 MAINTENANCE OF PROPERTY**

The owner or lessee of the property, except land being actively farmed, whether occupied or vacant located within or adjacent to any developed area, shall maintain such premises so that all portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous, objectionable or noxious matter.

#### **4.14 VEHICLE AND EQUIPMENT MAINTENANCE**

4.14.1 In the L-I Light Industrial and R-2 Moderate Density Residential zoning districts, all movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.

4.14.2 In the residentially zoned areas, minor vehicle repair and maintenance activities may be conducted in driveways or on the exterior of the lot for a period not to exceed 6 months (180 days), but in no case shall repairs be made on vehicles and movable equipment which would result in the permanent storage of said vehicles or movable equipment on the exterior of the lot.

## ARTICLE V

### AR AGRICULTURE RESIDENTIAL DISTRICT

#### 5.1 PURPOSE

The AR Agriculture Residential District is An Agriculture Security Area established in order to preserve agricultural areas within the Township and to permit less intrusive residential and accessory uses subject to specific restrictions.

#### 5.2 GENERAL PROVISIONS

A building may be used or altered, or erected and a lot or premises may be used, for any of the following purposes, and for no other, subject to off-street parking regulations as set forth in Article XV.

#### 5.3 PERMITTED USES

##### 5.3.1 Agricultural operations:

- A. Such uses are conducted upon a lot or parcel of land not less than five (5) contiguous acres in area.
- B. No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock, or dogs shall be closer to any property line than fifty (50) feet.
- C. The display for sale of products grown or raised by the owner, tenant or lessee on a farm stand shall only be permitted where:
  - (1) The place of sale of any such products is within the confines of the property upon which they have been grown or raised.
  - (2) The place of sale of any such products shall include adequate off-street parking spaces as required in Article XV of this Ordinance.
- D. Medical Marijuana and Hemp operations includes, but not limited to, facilities, processors, growers, and dispensaries.

##### 5.3.2 One family detached dwelling.

North Buffalo Township  
Zoning Ordinance

- 5.3.3 Public parks and playgrounds.
- 5.3.4 Veterinary Clinic.
- 5.3.5 Dog Kennel, as defined.
- 5.3.6 Communications tower. See Section 12.12.
- 5.3.7 For profit - Riding academics, Equestrian training and/or events, and the boarding of horses provided that no more than ten (10) horses per acre may be boarded, and the minimum lot or parcel of land size is five (5) contiguous acres.
- 5.3.8 Forestry. See Section 12.13.
- 5.3.9 Public structures or uses owned and maintained by North Buffalo Township.

**5.4 ACCESSORY USES**

- 5.4.1. Accessory uses and accessory buildings incidental to the listed permitted uses and located on the same lot. Permitted accessory buildings shall be set back not less than ten (10) feet from the closest side or rear property line.
- 5.4.2 No-impact home-based business.
- 5.4.3 Carport.

**5.5 CONDITIONAL USES**

Public Hearing required to be held by the Board of Supervisors. All conditions referenced herein shall be met.

- 5.5.1 Education or religious uses. See Section 13.5.
- 5.5.2 Recreation Accessory Structures used for and in conjunction with municipal and county recreation programs provided the architecture is in harmony

with existing materials in use in the district. See Section 13.16.

5.5.3 Home occupation, as defined. See Section 13.7.

5.5.4 Greenhouses and landscaping supply yards. Section 13.6.

5.5.5 Deleted

## **5.6 USES BY SPECIAL EXCEPTION**

5.6.1 Temporary second dwelling. See Section 13.22.

## **5.7 LOT AREA AND WIDTH**

5.7.1 Where approved public sanitary sewers are provided, no lot shall be less than one and one-half acres (65,340) in area.

5.7.2 Where approved public sanitary sewers are not provided, no lot shall be less than two (2) acres (87,120 square feet) in area.

5.7.3 The minimum lot width shall be one hundred and fifty (150) feet of frontage at the building line.

## **5.8 REQUIRED YARDS ON TOWNSHIP MAJOR ROADS (as defined by resolution 19-2)**

5.8.1 There shall be a front yard, the depth of which shall be at least forty (40) feet from the front lot line if such is also the right-of-way line, or sixty-five (65) feet from the centerline of the street or road, etc., whichever is greater. In the case of a corner lot, the provisions of Article XII, Section 12.8.1 shall dictate.

5.8.2 There shall be two (2) side yards, one on each side of the property, neither of which shall be less than ten (10) feet from the closest place along a structure wall to the property line.

5.8.3 Rear yard: No dwelling shall be constructed less than forty (40) feet from the rear property line; and no accessory or supplementary structure shall be constructed any closer than ten (10) feet to the rear lot lines unless the lot



abuts an alley in which case twenty-five (25) foot setback shall be required.

#### **5.8.4 REQUIRED YARDS ON TOWNSHIP RURAL ROADS**

Each lot shall have front, side, and rear yards of not less than the depth or width below indicated.

Front yard minimum of twenty-five (25) feet from the right-of-way line.

Side yard minimum of ten (10) feet, measured from the side property line, two (2) in number.

*Rear yard minimum of fifteen (15) feet*

### **5.9 HEIGHT**

5.9.1 No building shall be erected to a height in excess of forty-six (46) feet, except for agricultural accessory buildings which may be erected to a maximum height of sixty (60) feet.

5.9.2 See Article XII, Section 12.5. (Supplemental Regulations)

### **5.10 LOT COVERAGE**

5.10.1 The total area of the footprints of all permitted buildings shall not exceed an area equal to thirty (30) percent of the lot area.

### **5.11 OFF-STREET PARKING AND LOADING**

See Article XV.

### **5.12 SIGNS**

See Article XIV.

### **5.13 BUILDING AND/OR ZONING PERMITS**

See Article XIX.

## ARTICLE VI

### R-1 LOW DENSITY RESIDENTIAL DISTRICT

#### 6.1 PURPOSE

The R-1 Low Density District is established in order to provide for single-family residential use and compatible land uses selected to provide reasonable opportunities for recreation and agricultural operations.

#### 6.2 GENERAL PROVISIONS

A building may be used, erected, or altered and a lot or premises may be used for any of the following purposes, and for no other, subject to off-street parking regulations as set forth in Article XV.

#### 6.3 PERMITTED USES

6.3.1 One (1) family detached dwelling, with permanent foundation.

6.3.2 Municipal and Public Utility Structures.

6.3.3 Agricultural operations. As stated in Article V

6.3.4 Public or private elementary schools.

6.3.5 Forestry. See Section 12.13.

6.3.6 Communication towers. See Section 12.12.

#### 6.4 ACCESSORY USES

6.4.1 Accessory uses and accessory buildings incidental to the listed permitted uses and located on the same lot. Permitted accessory buildings shall be set back not less than ten (10) feet from the closest side or rear property lines.

North Buffalo Township  
Zoning Ordinance

- 6.4.2 Greenhouse for personal use for noncommercial purposes, not exceeding an area of two hundred fifty-six (256) square feet.
- 6.4.3 No-impact home-based business.
- 6.4.4 Carport.

**6.5 CONDITIONAL USES**

Public Hearing required to be held by the Board of Supervisors. All conditions specified herein shall be met.

- 6.5.1 Educational or religious uses. See Section 13.5
- 6.5.2 Recreational Accessory Structures used for and in conjunction with, municipal or county recreation programs, provided the architecture is in harmony with existing materials in use in the district. See Section 13.16.
- 6.5.3 Public parks and playgrounds. See Section 13.12.
- 6.5.4 Planned Residential Developments. See Article XI.
- 6.5.5 Home occupation, as defined. See Section 13.7.
- 6.5.6 Assisted Living Facilities. See Section 13.3.

**6.6 USES BY SPECIAL EXCEPTION**

- 6.6.1 Temporary second dwelling. See Section 13.22.

**6.7 LOT AREA AND WIDTH**

- 6.7.1 No lot shall be less than one half acre (21,780 square feet) in area whether public water or sanitary sewers are available or not.
- 6.7.2 The minimum lot width shall be one-hundred (100) feet at the lot line.

**6.8 REQUIRED YARDS ON MAJOR TOWNSHIP ROADS: (as defined by resolution 19-2)**

- 6.8.1 There shall be a front yard, the depth of which shall be at least forty (40) feet from the front lot line if such is also the right-of-way line, or sixty-five (65) feet from the centerline of the street or road, etc., whichever is greater. In the case of a corner lot, the provisions of Article XII, Section 12.8.1 shall dictate.
- 6.8.2 There shall be two (2) side yards, one on each side of the property, neither of which shall be less than ten (10) feet from the closest place along a structure wall to the property line.

- 6.8.3 Rear yard: No principal use shall be constructed less than thirty (30) feet from the rear property line; and no accessory or supplementary structure shall be constructed any closer than ten (10) feet to the rear lot lines unless the lot abuts an alley in which case a fifteen (15) foot setback shall be required.

**6.8.4 REQUIRED YARDS ON TOWNSHIP RURAL ROADS**

Each lot shall have front, side, and rear yards of not less than the depth or width below indicated.

Front yard minimum of twenty-five (25) feet from the right-of-way line.

Side yard minimum of ten (10) feet, measured from the side property line, two (2) in number.

*Rear yard minimum of fifteen (15) feet*

**6.9 HEIGHT REGULATIONS**

- 6.9.1 No building shall be erected to a height in excess of forty-six (46) feet.

- 6.9.2 See Article XII, Section 12.5 (Supplemental Regulations)

**6.10 LOT COVERAGE**

- 6.10.1 The total area of the footprints of all permitted buildings shall not exceed an area equal to twenty (20) percent of the lot area.

- 6.10.2 The lot shall have a width of at least one hundred (100) feet at the building line.

**6.11 OFF-STREET PARKING AND LOADING**

See Article XV.

North Buffalo Township  
Zoning Ordinance

**6.12 SIGNS**

See Article XIV.

**6.13 BUILDING AND/OR ZONING PERMITS**

See Article XIX.

## ARTICLE VII

### R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

#### 7.1 PURPOSE

The R-2 Moderate Density Residential District is established in order to provide for a variety of residential uses and structures in proximity to recreational facilities and agriculturally related uses.

#### 7.2 GENERAL PROVISIONS

A building may be used, erected, or altered and a lot or premises may be used for any of the following purposes, and for no other, subject to off-street parking regulations as set forth in Article XV.

#### 7.3 PERMITTED USES

- 7.3.1 One family detached dwelling, with permanent foundation.
- 7.3.2 Duplex, triplex, quadruplex dwelling.
- 7.3.3 Townhouses.
- 7.3.4 Group care facilities.
- 7.3.5 Agricultural operations. As stated in Article V
- 7.3.6 Golf courses, golf driving range, miniature golf courses.
- 7.3.7 Communications tower. See Section 12.12.
- 7.3.8 Greenhouses, horticultural and landscaping supply, for retail sale, provided said use is conducted upon a lot or parcel of land not less than five (5) contiguous acres in area.
- 7.3.9 Forestry. See Section 12.13.

**7.4 ACCESSORY USES**

- 7.4.1 Accessory uses and accessory buildings incidental to the listed permitted uses and located on the same lot. Permitted accessory buildings shall be set back not less than ten (10) feet from the closest side or rear property lines.
- 7.4.2 Home Occupation. See Section 13.7.
- 7.4.3 No-impact home-based business.
- 7.4.4 Carport.

**7.5 CONDITIONAL USES**

Public Hearing required to be held by the Board of Supervisors. All conditions specified herein shall be met.

- 7.5.1 Senior citizen high rise. See Section 13.15.
- 7.5.2 Public or private high schools. See Section 13.11.
- 7.5.3 Planned Residential Developments. See Article XI.
- 7.5.4 Assisted Living Facilities. See Section 13.3.
- 7.5.5 Adaptive Reuse. See Section 13.19.
- 7.5.6 Religious and Educational Facilities.

**7.6 LOT AREA AND WIDTH**

- 7.6.1 The minimum lot shall be twenty-one thousand seven hundred and eighty (21,780) square feet (.5 acres) in area whether public water or sanitary sewers are available or not. Where three (3) or more dwelling units are

proposed in a single structure on a single lot, one (1) acre (43,560 square feet) minimum shall be required.

7.6.2 The minimum lot width shall be one-hundred (100) feet at the building line.

**REQUIRED YARDS ON TOWNSHIP MAJOR ROADS (as defined by resolution 19-2)**

7.6.3 There shall be a front yard, the depth of which shall be at least forty (40) feet from the front lot line if such is also the right-of-way line, or sixty-five (65) feet from the centerline of the street or road, etc., whichever is greater. In the case of a corner lot, the provisions of Article XII, Section 12.8.1 shall dictate.

7.6.4 There shall be two (2) side yards, one on each side of the property, neither of which shall be less than ten (10) feet from the closest place along a structure wall to the property line.

7.6.5 Rear yard: No dwelling shall be constructed less than forty (40) feet from the rear property line; and no accessory or supplementary structure shall be constructed any closer than ten (10) feet to the rear lot lines unless the lot abuts an alley in which case twenty-five (25) foot setback shall be required.

**7.7 REQUIRED YARDS ON TOWNSHIP RURAL ROADS**

Each lot shall have front, side, and rear yards of not less than the depth or width below indicated.

7.7.1 Front yard minimum of twenty-five (25) feet from the right-of-way line.

7.7.2 Side yard minimum of ten (10) feet, measured from the side property line, two (2) in number.

7.7.3 Rear yard minimum of fifteen (15) feet.

**7.8 HEIGHT**

The height of a building shall be no greater than forty-six (46) feet, except as otherwise specified. (See Article XII, Section 12.5)



**7.9 LOT COVERAGE**

7.9.1 No structure or combination of structures, including sidewalks, driveways and parking areas shall be permitted to exceed sixty (60) percent of the gross lot area.

7.9.2 At least ten (10) percent of the total lot area shall be covered with vegetative material. These planted areas shall be reasonably dispersed throughout the premises.

**7.10 OFF-STREET PARKING AND LOADING**

See Article XV.

**7.11 SIGNS**

See Article XIV.

**7.12 BUILDING AND/OR ZONING PERMITS**

See Article XIX

## ARTICLE VIII

### NC NEIGHBORHOOD COMMERCIAL DISTRICT

#### 8.1 PURPOSE

The purpose of the NC Neighborhood Commercial District is to provide for appropriately scaled retail, office and service uses in areas with access to arterial roads where public utilities may be extended.

#### 8.2 GENERAL PROVISIONS

A building may be used, erected, or altered and a lot or premises may be used for any of the following purposes, and for no other subject of off-street parking regulations as set forth in Article XV.

#### 8.3 PERMITTED USES

- 8.3.1 General and medical offices.
- 8.3.2 Restaurants.
- 8.3.3 Retail sales.
- 8.3.3a Retail sales and warehouse storage facilities.
- 8.3.4 Banks.
- 8.3.5 Funeral homes.
- 8.3.6 Laundromats and dry-cleaning establishments.
- 8.3.7 Vehicle service station.
- 8.3.7a Private, commercial, vehicle fueling and maintenance building.
- 8.3.8 Theaters, including outdoor drive-in.
- 8.3.9 Greenhouses and landscaping supply yards.
- 8.3.10 Forestry. See Section 12.13.
- 8.3.11 Communications tower. See Section 12.12.
- 8.3.12 Hospital and clinics.
- 8.3.13 Group care facility.
- 8.3.14 Drive-in use.
- 8.3.15 Single family dwellings. See Section 13.22.
- 8.3.16 Commercial recreational vehicle campground.

North Buffalo Township  
Zoning Ordinance

- 8.3.17 Medical Marijuana and Hemp operations includes, but not limited to, facilities, processors, growers, and dispensaries.

**8.4 ACCESSORY USES**

- 8.4.1 Accessory uses and accessory buildings incidental to the listed permitted uses and located on the same lot. Permitted accessory buildings shall be set back not less than ten (10) feet from the closest side or rear property lines.

**8.5 CONDITIONAL USES**

Public Hearing required to be held by the Board of Supervisors. All conditions specified herein shall be met.

- 8.5.1 Mixed use shopping centers to a maximum of 200,000 square feet. See Section 13.18.

**8.6 USES BY SPECIAL EXCEPTION**

- 8.6.1 Agricultural operations. See Section 13.21.  
8.6.2 Single Family Dwellings. See Section 13.22  
8.6.3 Temporary second dwelling. See Section 13.23

**8.7 LOT AREA AND WIDTH**

- 8.7.1 No lot shall be less than one (1) acre in area whether public water or sanitary sewers are available or not.  
8.7.2 The minimum lot width shall be one-hundred and fifty (150) feet at the building line.

**8.8 REQUIRED YARDS**

- 8.8.1 Front yard minimum of sixty (60) feet but in no event less than seventy-five (75) feet from the centerline of the abutting road.  
8.8.2 Side yards – two (2) – width, ten (10) feet each side of principal building provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownership. In the case of a series of abutting structures abutting and paralleling a public right-of-way, an open and

unobstructed passage for vehicles and pedestrians, of at least thirty (30) feet width, shall be provided at grade level at intervals of not more than one-thousand (1,000) feet.

8.8.3 Rear yard minimum of forty (40) feet, measured from the rear property line.

## **8.9 HEIGHT**

The maximum height of a building shall not be greater than five (5) stories or sixty (60) feet.

## **8.10 LOT COVERAGE**

The total area of the footprints of all permitted buildings shall not exceed an area equal to seventy (70) percent of the lot area.

## **8.11 BUFFERYARDS**

Bufferyards shall be provided in accordance with the provisions of Article XII, Section 12.9.

## **8.12 OFF-STREET PARKING AND LOADING**

All uses under this Article shall be subject to the off-street parking and loading and unloading regulations of Article XV.

## **8.13 SIGNS**

All uses under this Article shall be subject to the sign regulations of Article XIV.

## **8.14 BUILDING AND/OR ZONING PERMITS**

See Article XIX.

## ARTICLE IX

### L-1 LIGHT INDUSTRIAL DISTRICT

#### 9.1 PURPOSE

The purpose of the L-1 Light Industrial District is to provide for appropriate light industrial, commercial, office, warehousing and similar land uses within the Township where highway and rail access is available, subject to regulations designed to protect the environment and the health, safety, and welfare of residents.

#### 9.2 GENERAL PROVISIONS

A building may be used, erected, or altered and a lot or premises may be used for any of the following purposes, and for no other subject of off-street parking regulations as set forth in Article XV.

#### 9.3 PERMITTED USES

- 9.3.1 Research and testing laboratory.
- 9.3.2 Truck terminal.
- 9.3.3 General offices.
- 9.3.4 Distribution warehouses.
- 9.3.5 Light industry and manufacturing of products including, but not limited to, small electrical appliances, small industrial and electronic instruments, hand tools and metal fasteners, limited to the assembly of component parts and the mechanical transformation and the mechanical blending of raw materials into products.
- 9.3.6 Equipment Repair and sales.
- 9.3.7 Commercial uses permitted in the NC Neighborhood District.
- 9.3.8 Mini-warehousing and self-storage facilities.
- 9.3.9 Public utility facilities.
- 9.3.10 Recycling Center.
- 9.3.11 Communications tower. See Section 12.12.
- 9.3.12 Forestry. See Section 12.13.
- 9.3.13 Self-storage facilities.
- 9.3.14 Single-family Dwelling Units. See Section 13.22
- 9.3.15 Commercial River Operations.

North Buffalo Township  
Zoning Ordinance

- 9.3.16 Medical Marijuana and Hemp operations includes, but not limited to, facilities, processors, growers, and dispensaries.

**9.4 ACCESSORY USES**

- 9.4.1 Accessory uses and accessory buildings incidental to the listed permitted uses and located on the same lot. Permitted accessory buildings shall be set back not less than ten (10) feet from the closest side or rear property lines.
- 9.4.2 All outdoor storage areas shall be screened by dense plantings using a fifty/fifty (50/50) percent mix of deciduous and evergreen trees, planted at a minimum of ten (10) foot intervals in two (2) staggered rows.

**9.5 CONDITIONAL USES**

Public Hearing required to be held by the Board of Supervisors. All conditions specified herein shall be met.

- 9.5.1 Motels and hotels. See Section 13.9.
- 9.5.2 Supply yards and contractor yards. See Section 13.17.
- 9.5.3 Junkyards (automotive recycling). See Section 13.4.
- 9.5.4 Sanitary landfills. See Section 13.14.
- 9.5.5 Transfer Stations. See Section 13.14.
- 9.5.6 Deep or open pit mining. See Section 12.11.
- 9.5.7 Adult businesses. See Section 13.2.

**9.6 USES BY SPECIAL EXCEPTION**

**9.7 LOT AREA AND WIDTH**

- 9.7.1 The minimum lot area shall be forty-three thousand, five-hundred and sixty (43,560) square feet except as otherwise specified.
- 9.7.2 The minimum lot width shall be two-hundred (200) feet at the building line.

**9.8 REQUIRED YARDS**

- 9.8.1 Front yard minimum of sixty (60) feet from right-of-way line.
- 9.8.2 Side yard minimum of thirty (30) feet, two (2) required.

North Buffalo Township  
Zoning Ordinance

9.8.3 Rear yard minimum of forty (40) feet.

**9.9 HEIGHT**

The maximum height of a building shall not be greater than four (4) stories or forty-eight (48) feet. See Article XII, Section 12.5.

**9.10 LOT COVERAGE**

9.10.1 The total area of the footprints of all permitted buildings shall not exceed sixty-five (65) percent of the lot area.

9.10.2 At least ten (10) percent of the total lot area shall be covered with vegetative material. These planted areas shall be reasonably dispersed throughout the lot.

**9.11 BUFFERYARDS**

Bufferyards shall be provided in accordance with the provisions of Article XII, Section 12.9.

**9.12 SIGNS**

Signs and advertising structures shall be permitted only when such signs or structures refer or relate directly to the materials made, sold, or displayed on the premises and further provided that such signs and advertising structures are in conformance with Article XIV of this Ordinance.

**9.13 OFF-STREET PARKING AND LOADING**

There shall be provided on the premises sufficient area to conduct all loading and unloading of materials and/or products to and/or from vehicles of all kinds. In addition, space for service drives and yards shall be provided on the premises. See Article XV.

**9.14 BUILDING AND/OR ZONING PERMITS**

See Article XIX.

ARTICLE X

*RESERVED FOR FUTURE USE*



## **ARTICLE XI**

### **PLANNED RESIDENTIAL DEVELOPMENT**

#### **11.1 PLANNED RESIDENTIAL DEVELOPMENT**

11.1.1 Purpose: The purpose of the Planned Residential Development (PDR) regulations is to permit residential development as the conditional use which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and effective use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preservation of the natural scenic qualities of open areas.

11.1.2 Application: A PDR may be permitted in the AR Residential and R-1 Residential zoning districts subject to the standards, restrictions, qualifications, criteria, requirements, conditions regulations and procedures enumerated in this Article, and as set forth in this Ordinance. Certain provisions of this Ordinance and the current subdivision and land development ordinance shall not be applied to PDR proposals accepted for review, except when specifically indicated by the provisions contained herein.

#### **11.2 OWNERSHIP REQUIREMENTS**

11.2.1 The minimum land area for a PDR shall be ten (10) contiguous acres. Public easements or private roads shall not be constructed as an interruption or division of a tract of land proposed for a PDR.

11.2.2 Prior to the Preapplication Conference, the developer of a PDR shall verify a full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed binding sales agreement demonstrating equitable title in it.

- 11.2.3 A PRD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan.

### **11.3 AVAILABILITY OF PUBLIC SERVICE AND ACCESS**

- 11.3.1 Where the municipality determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PDR to such facilities.
- 11.3.2 In the absence of public sewerage facilities, the developer shall provide within a PDR a sanitary sewage system acceptable to North Buffalo Township and which shall be subject to the standards, rules and regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successors thereto.
- 11.3.3 Central water service shall be supplied to each building or structure to be erected in a PDR.
- 11.3.4 The developer shall provide within a PDR a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water run-off within the PDR and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania and North Buffalo Township.
- 11.3.5 A PRD shall be released to the local regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission that traffic circulation problems will not be created and that the proposed road system is adequate in terms of traffic volume capacity and construction type to accommodate the projected PDR generated traffic.

### **11.4 REVIEW AND APPROVAL PROCEDURES**

North Buffalo Township  
Zoning Ordinance

11.4.1 The PDR provisions of this ordinance shall be applied by the Planning Commission, which shall review all applications on the basis of specified standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures. The Township Board of Supervisors shall conduct public hearings and have final authority to approve, modify or disapprove a PRD.

11.4.2 A developer shall obtain required approvals for a PDR by following a four (4) step review process which shall consist of a Preapplication Conference, A Preliminary Development Plan Review, Public Hearings, and a Final Development Plan Review.

A. Preapplication Conference: Each applicant shall confer with the Chairman of the Planning Commission to schedule a Preapplication Conference. It shall be the responsibility of the Secretary of the Planning Commission to arrange a conference with the Planning Commission. The conference shall include members of the Planning Commission and designated members of the Township Board of Supervisors. The Solicitor, local utility service representatives, Township Engineer, Police Department and other deemed appropriate may also be requested to attend such conference. Items to be addressed at the preapplication conference shall include but not be limited to the following:

- (1) Location of the proposed PRD site;
- (2) Points of access and road names;
- (3) Utilities and location of utility line extensions;
- (4) Topography of the proposed PRD site;
- (5) Conceptual stormwater management plan; and
- (6) Significant stands of trees, size and species.

B. Preliminary Development Plan (Application for Tentative Approval): Within one hundred and twenty (120) days following the Preapplication Conference, ten (10) copies of a Preliminary Development Plan shall be presented in sufficient detail to provide the Planning Commission with a major substantive review of the proposed PRD, which Preliminary Development Plan shall constitute the Application for Tentative Approval. The following documentation shall be submitted in support of the application:

North Buffalo Township  
Zoning Ordinance

- (1) Written Documents:
  - (a) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
  - (b) A statement of planning objective to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development.
  - (c) Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for common open space and usable open space), economic feasibility studies or market analyses where reasonably necessary and other studies as may be designated by the Planning Commission.
- (2) Location Map: This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings and structures within five hundred (500) feet of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.
- (3) Preliminary Development Plan and Supporting Maps: A preliminary development plan at a scale no smaller than one inch equals fifty feet (1"=50') and any maps necessary in the opinion of the Planning Commission on a scale as required by it to show the major details of the proposed PRD, which preliminary development plan and maps shall also contain the following minimum information:
  - (a) The existing site conditions including contours at a minimum interval of five (5) feet, watercourses, floodplains, forest cover, soils, and natural features considered significant by the Planning Commission.
  - (b) Proposed lot lines and subdivision plan, if any.

North Buffalo Township  
Zoning Ordinance

- (c) The location of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units and density per type. Such information shall be sufficient to relay the basic architectural intent of the proposed improvements.
- (d) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
- (e) The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development).
- (f) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.
- (g) The existing and proposed utilities systems, including sanitary sewers, storm sewers, water, electric, gas, cable T.V. And telephone lines.
- (h) Subsurface conditions, including data on slope stability and past or possible future mining activity and operations for oil and gas.
- (i) A minimum of three (3) sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.
- (j) A general landscape plan indicating the treatment and material used for active and passive open space.
- (k) The proposed landscaping treatment of the perimeter of the PRD.
- (l) Evidence of compliance with the Environmental Performance Standards (Article IV).

North Buffalo Township  
Zoning Ordinance

- (m) Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.
  - (4) All applications for tentative approval of a Planned Residential Development shall be referred by the applicant to the Armstrong County Planning Commission for review and comment at the time of submission to North Buffalo Township. If no report to the contrary is received within thirty (30) days of the submission to the County, said application for tentative approval shall be considered complete and appropriate for the area in which it is proposed.
  - (5) Projected Scheduling of Stages: In the case of development plans which call for development over a period of years, a schedule showing such stages shall be provided. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval or as each stage of development is completed, whichever shall first occur.
- C. Review and Approval Procedure:
- (1) Within sixty (60) days following receipt of a completed application for tentative approval of a PRD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Township Board of Supervisors. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.
  - (2) The Township Board of Supervisors may offer mediation as an aid in completing proceedings authorized by the Article prior to final approval.
  - (3) The Township Board of Supervisors within sixty (60) days following the conclusion of the public hearing shall be official written communication to the developer, either:
    - (a) Grant tentative approval of the Preliminary Development Plan as submitted;
    - (b) Grant tentative approval of the Preliminary Development Plan subject to specified conditions not

included in the Preliminary Development Plan as submitted; or

- (c) Deny tentative approval.

*Failure to so act within such period of time shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as submitted. In the event, however, that the tentative approval of the Preliminary Development Plan is granted subject to specified conditions, the developer may within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors notifying such Board of Supervisors of his refusal to accept all such conditions, in which event tentative approval of the Preliminary Development Plan is deemed to be denied. In the event the developer does not, within said period, notify the Township Board of Supervisors of his refusal to accept all conditions, tentative approval of the Preliminary Development Plan, with all said conditions, shall stand as granted.*

D. Criteria for Tentative Approval: The Township Board of Supervisors may give tentative approval to the Preliminary Development Plan, if and only if, it is found to meet the following criteria:

- (1) The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this ordinance, preserves the Community Development Objectives of this ordinance and complies with all relevant county and Commonwealth regulations.
- (2) Where the proposed Preliminary Development Plan provides standards varying from those in this ordinance and the current Township subdivision and land development ordinance otherwise applicable to the subject property, such departure is in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.
- (3) The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this ordinance, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use and type of residential development proposed.

North Buffalo Township  
Zoning Ordinance

- (4) The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
  - (5) The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood in which it is located.
  - (6) The proposed Preliminary Development Plan will afford adequate protection of natural watercourses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation and flooding.
  - (7) In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and the residents of the PRD in the integrity of the Final Development Plan.
  - (8) The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.
- E. Application for Final Approval: After the Preliminary Development Plan is tentatively approved by the Township Board of Supervisors, the developer shall thereafter submit ten (10) copies of the Final Development Plan, which shall consist of detail plans for any part or section of the land for which he desired final approval which Final Development Plan constitute the Application for Final Approval. No building permit shall be issued until after final approval by the Township Board of Supervisors of the detailed plans for the part or section in which the proposed development is located. Final approval of any detailed plans shall lapse unless construction is commenced in that part or section within one (1) year after such approval.



North Buffalo Township  
Zoning Ordinance

- (1) In the event the Application for Final Approval has been filed, together with all drawings, specifications and other written communication of tentative approval, the Township Board of Supervisors shall, within forty-five (45) days of such filing, grant such Final Development Plan final approval.
- (2) The Final Development Plan shall comply with the provisions of other existing ordinances related to development within the Township, County or Commonwealth and shall include:
  - (a) All data required for final plan as specified in the current subdivision and land development ordinance, and all amendments thereto.
  - (b) Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open spaces.
  - (c) The number of families to be housed in each building or structure and intended use of each building or structure.
  - (d) The Landscape Development Plan, including the location and types of materials of sidewalks, trails, recreation facilities as permitted by this ordinance.
  - (e) Supplementary data to include any covenants, grant of easements or other restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership and operation of common open space facilities.
  - (f) An engineering report which shall include the following data wherever pertinent: Profiles, cross sections and specifications for proposed highway, street or road improvements. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers. Feasibility of the sewage system in terms of capacity to serve the proposed development.
  - (g) An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and

sedimentation control measures to be utilized on the site in compliance with the current local and Commonwealth regulations directing such activity. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation, including but not limited to the following:

- i. The topographic features of the site area;
- ii. The types depth, slope and extent of the soils by area;
- iii. The proposed alteration to the site area;
- iv. The amount of runoff from the site area and the upstream watershed area;
- v. The staging of earthmoving activities;
- vi. Temporary control measures and facilities of use during earthmoving.
- vii. Permanent control measures and facilities for long-term protection.
- viii. A maintenance program for the control facilities including disposal of materials removed from the control facilities or site area.

(3)

- (a) Refile his Application for Final Approval without the variations objected to, in which case the Township Board of Supervisors shall, within thirty (30) days of such refileing, grant such Final Development Plan final approval; or
- (b) File a written request with the Township Board of Supervisors for a public hearing on the refused Application of Final Approval, in which case the Township Board of Supervisors shall, within thirty (30) days following the conclusion of the public hearing, render its determination on the refused Application for Final Approval. Any such public hearing shall be held pursuant to public notice within

thirty (30) days after the request for hearing is made by the landowner and the hearing shall be conducted in the manner prescribed for public hearings on applications for tentative Development Plan.

- (4) The Final Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township Board of Supervisors and shall be recorded forthwith by the developer in the office of the Recorder of Deeds of Armstrong County before any development shall take place.
- (5) If the sequence of construction of various portions of the Development is to occur in stages, then the common open space and/or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the Development shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

## **11.5 STANDARDS AND REQUIREMENTS**

- 11.5.1 Density: The following terms shall apply to all applications for PRD approval whether tentative or final:
- A. Gross Density: The ratio of the total number of dwelling units to the total acreage.
  - B. Net Buildable Acre: That area of land in a Planned Residential Development capable of supporting development exclusive of slopes in excess of twenty-five (25) percent, wetlands, street right-of-way, and drainage and utility easements.
  - C. Net Density: That ratio of the total number of dwelling units to the acreage within a given tract of land devoted to or proposed for

residential use, including street, right-of-way, parking areas and adjacent common open space, which abuts and serves all residences. Excluded from the area calculation are those unbuildable areas and grades (slopes) of twenty-five (25) percent or greater, and those areas preserved from further development by virtue of their significance or unique natural amenity.

11.5.2 Net density shall not exceed two 2 permitted units per acre, exclusive of land with slopes in excess of twenty-five (25) percent, wetlands, and land in a designated floodplain, although such dwellings may be clustered. The Township Board of Supervisors reserves the right to make the net density level more restrictive in any part of a PRD where it determines that:

- A. The grade of any part of the land area, prior to development, is twenty-five (25) percent or greater; or
- B. There is unsafe or inadequate vehicular access to the Development; or
- C. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or
- D. There is another unsafe condition created by any part of the developer's proposed density level.

11.5.3 Lot and Building or Structure Requirements:

- A. Lot Size: There shall be no minimum lot size, percentage of lot coverage or lot width. However, every one (1) family dwelling shall have access to a common street, road, court, walk or other area available for use. No structure or group of structures shall be erected within twenty (20) feet of any other structure or group of structures.
- B. Buffer: A Bufferyard shall be provided as per the provisions of Article XII, Section 12.9.5.
- C. Length: There shall be no continuous building or structure of townhouses containing more than six (6) dwelling units.
- D. Location of Buildings or Structures: The proposed location and arrangement of building and structures shall be reasonably designed in terms of limiting the obstruction of sun, light, or air from adjacent buildings or structures within the development site area or from

existing buildings or structures located adjacent to the proposed development.

11.5.4 Common Space:

- A. Area Limitations: Within a PRD the following percentages of the total gross land area shall be devoted to specified use as indicated herein;
  - (1) A minimum of thirty (30) percent of the net site area (as defined), exclusive of road right-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Township Board of Supervisors shall have the authority to enforce their preservation as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, groves of trees, ravines, ponds, stream beds and stream valleys.
  - (2) A maximum of seventy (70) percent of the net site area may be devoted to residential use, which shall include building coverage, parking areas, private yards and courts which abut and serve residences or groups of residences and other usable space.
- B. Protection of Common Space: Common space between structures, including space being used as common open space or usable space, shall be protected by adequate covenants running with the land and or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Township Board of Supervisors following review by the Township Solicitor as to legal form and effect. In cases where North Buffalo Township will not be accepting dedications of alleys, recreation area or common open space, the developer shall provide for an organization, or Homeowner's Association, for ownership and maintenance thereof.
- C. Common Space Maintenance: In the event that the organization

established to own and maintain common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Township may take remedial action to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended.

11.5.5

Permitted Uses:

- A. Land and building in a Planned Residential Development may be used for the following purposes:
  - (1) One family, detached dwelling (AR, R-1 and R-2 Districts).
  - (2) Duplex, triplex and quadruplex (R-1 and R-2 Districts).
  - (3) Townhouse – six (6) per building, maximum, (R-1 and R-2 Districts).
  - (4) Apartment – eight (8) per building, maximum, (R-1 Districts).
  - (5) Recreation facilities which are for the use of residence of the development and which shall only include hiking, walking or bicycle trails, tennis, paddle tennis, basketball and volleyball courts, putting greens, swimming pool and related facilities; and such additional recreational uses as deemed appropriate by the Township.
  - (6) Accessory structures incidental to principal uses and located on the same lot.
- B. All buildings and structures on the perimeter of the development must be well-screened in a manner approved by the Township.
- C. Each PRD shall be planned as an entity which includes an acceptable unified land development plan, usable common open space, site related vehicular and pedestrian circulation systems and preservation of significant natural features.

11.5.6

Parking: Parking shall be provided as follows:

- A. There shall be a minimum of one (1) nine by eighteen (9x18) foot off-street parking space, excluding driveway for every three (3) dwelling units in the PRD for visitor parking. Places within two

hundred (200) feet of the dwelling units generating the need for such parking.

- B. Visitor parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.

11.5.7 Circulation:

- A. Vehicular access within the PRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic intersections.
- B. A pedestrian circulation or walkway system shall be established where stipulated by the Township and that system shall be reasonably segregated from vehicular traffic.
- C. Streets and roads in a PRD should be designed and built to Township specifications and dedication to public use but may be retained under private ownership. Streets and roads of insufficient right-of-way width shall not be considered for public acceptance. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance to that effect.
- D. The interior street pattern shall be curvilinear in design and where access to two (2) existing roads is proposed, should discourage the use of interior streets as a link between low volume local road access and higher volume collector road access.

## 11.6 SURETY AND IMPROVEMENTS

- 11.6.1 The Township Board of Supervisors shall request an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Township Board of Supervisors following review by the Township Solicitor, in lieu of the completion of improvements proposed, to be furnished and filed with the Township Secretary. Financial security approved by the Township Board of Supervisors as to form and content shall be required in the amount of one hundred and ten (110) percent of the estimated construction cost and engineering for each stage of development

and all estimates of cost shall be approved by the Township Engineer. Such financial security amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings and screening.

- 11.6.2 Before any grading or building permit may be issued in regard to the PRD, all agreements, contracts, deed restrictions, other instruments and sureties shall be in a form acceptable to the Township.

## **11.7 FEES**

- 11.7.1 At the time of application for Tentative Approval and/or Final Approval of a PRD or a phase or section thereof, a fee established by the Township Board of Supervisors for review shall be payable to North Buffalo Township.

- 11.7.2 In addition, all applicable building permit fees adopted by the Township from time to time shall apply and be paid. The developer shall also place into escrow sufficient funds as determined at the time of Application for Tentative Approval, to provide for necessary Township contracted services including, but not limited to engineering, legal costs, advertising and stenographic services.

## **11.8 ENFORCEMENT AND MODIFICATIONS**

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether these are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions:

- 11.8.1 The provisions of the development plan relating to:
- A. The use, bulk and location of buildings and structures;
  - B. The quantity and location of common open space, except as



North Buffalo Township  
Zoning Ordinance

otherwise provided in this article; and

- C. The intensity of use or the density of residential units; shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulations other granted the Township by law.

11.8.2 All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except at to those portions of the development plan which have been finally approved and have been recorded.

11.8.3 All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township, except grants or easements relating to the service and equipment of a public utility, subject to the following conditions:

- A. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this section.
- B. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the provisions of this Article, that following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

North Buffalo Township  
Zoning Ordinance

- 11.8.4 Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

## **ARTICLE XII**

### **SUPPLEMENTAL REGULATIONS**

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

#### **12.1 USE REGULATIONS**

- 12.1.1 Agriculture, Animals and Poultry: Unless otherwise controlled by municipal ordinance or regulations, the use of buildings and land for farming's, gardening, riding, academics, livery or boarding stables, dog kennels, animal hospitals, stock raising, dairying and poultry shall be considered permitted uses in the AR and R-1 residential districts subject to the following general regulations.
- A. Outdoor storage of manure, or odor or a dust-producing substance shall not be permitted within one-hundred (100) feet of any lot boundary line.
  - B. Greenhouse heating plants not be operated within fifty (50) feet of any lot boundary line includes Medical Marijuana and Hemp operations, facilities, processors, growers, and dispensaries.
  - C. Buildings in which animals or poultry are kept shall not hereafter be erected within fifty (50) feet of any lot boundary line where the abutting property accommodate a residential use. The outdoor exercise area of a Veterinary Clinic limited to facilities necessary for the temporary treatment of sick or otherwise ailing pets normally permitted within the house and yard may be erected within fifty (50) feet of any lot boundary line.
  - D. The selling of product raised, bred or grown on the premises shall be permitted, provided that all stands or shelters used for such sales shall be removed during those seasons when not in use for the display or sale of products.

North Buffalo Township  
Zoning Ordinance

- 12.1.2 Landfills and Dumping: Landfills shall be permitted only when operated as authorized by the North Buffalo Township Board of Supervisors and in accordance with applicable Township Ordinance and Commonwealth Department of Environmental Protection provisions governing such uses at present and hereafter enacted.
- 12.1.3 Mining: Deep or open pit mining shall be permitted only upon authorization of the North Buffalo Township Board of Supervisors, as a result of a public hearing held thereon by the Board of Supervisors, duly advertised as provided by law, and further subject to all rules and regulations of the Pennsylvania Department of Environmental Protection that apply to such operation, plus additional safeguards to the public health, safety, and general welfare deemed necessary by the Board of Supervisors.
- 12.1.4 Multi-Family Dwellings: All living units must have an individual identity which is to be achieved by a combination of at least two (2), or all of the following considerations:
- A. Varying building unit heights or forms.
  - B. Varying roof pitch and pitch direction.
  - C. Addition or deletion of patios and patio walls.
  - D. Staggering of exterior walls.
  - E. The use of contrasting building materials on the exterior.
  - F. Any other method developed by the designer that maintains unit individually but achieves an overall design compatibility within the structure.
- 12.1.5 Any public recreational building or use may be established by the Township in any Zoning District following a public hearing, the purpose of which is to consider the impact of such building or use on adjacent properties. Any structure, building or extension thereof approved hereunder shall conform to the general character and architectural standards prevalent throughout the district in which such approved building shall be erected.
- 12.1.6 Public Utility Facilities and Lines:
- A. Lines: Public utility lines for the transportation, distribution and

control of water, gas, electric, oil, steam, telegraph, cable television and telephone communications and their supporting members other than building and railroads shall not be required to be located in specific zoning districts.

B. Public Utility Facilities:

- (1) The architectural design, landscaping and site development must be in keeping with the character of the area in which the public utility facilities are to be located, consistent with the nature of the public utility facilities and the public need or convenience in having the public utility facilities.
- (2) Sufficient off-street parking and loading space shall be provided consistent with the requirements of this chapter and the nature of the public utility facilities.
- (3) Provisions must be made for the interior storage of all materials and equipment when not in use.

12.1.7 Schools, Hospitals, Churches and Public Municipal Buildings: In districts where permitted, these uses shall meet the following requirements:

- A. Lot Coverage: Lot area covered by all buildings including accessory buildings shall not be greater than thirty (30) percent of the area of the lot.
- B. Yard Regulations: Each lot shall have yards not less than the following depths or widths, unless otherwise specified.
- C. Setback or front yard depth, forty (40) feet.
- D. Side yards – two (2) in number, neither shall be less than ten (10) feet.
- E. Rear yard depth, twenty-five (25) feet.
- F. Off-Street Parking: Parking shall be provided in accordance with the provisions of Article XV. Portions of the required front yard setback may be used for off-street parking when authorized as a special exception by the Zoning Hearing Board.
- G. Service and access drives shall be at least fifteen (15) feet wide and not more than twenty-five (25) feet wide and shall be permitted to cross required yard areas provided that the centerline of the permitted drive shall not be a lesser angle to the street line than sixty (60) degrees.

- H. If greater controls are established for the district in which these uses are to be located, such control or controls shall take precedent over any or all of the provisions of this section.

12.1.8 Swimming Pools, Private: Private swimming pools shall be permitted accessory use in any district which permits residential land uses, and shall comply with the following conditions and requirements:

- A. The pool is to be used primarily for the enjoyment of the occupants of the principle use of the property on which it is located
- B. All in-ground pools shall be setback in accordance with those provisions established for principle structure.
- C. A swimming pool constructed in the ground with its topmost rim less than thirty-six (36) inches above the finished grade shall be surrounded by a wall or fence not less than four (4) feet in height measured from the finished grade with a self-latching gate. Said fence or wall to be maintained in good condition. When a fence is used, it shall not have any openings greater than two (2) inches by two (2) inches, except for approved gates; and when said fence is formed of metal or wire, such metal or wire shall not be less than number eight (8) gauge.

12.1.9 Domestic Animals: A minimum of one-half (½) acre of pasture land shall be provided for each grazing animal.

## 12.2 SITE PLAN REVIEW CRITERIA

Any developer or owner of property in any R-2 Moderate Density Residential, NC Neighborhood Commercial District or L-1 Light Industrial who proposes to construct a new nonresidential building, to enlarge an existing nonresidential building, change an existing use, or to develop a parcel except for the construction of a single-family dwelling, where specifically permitted, shall provide the Planning Commission with six (6) copies of plans as described in this Article. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, or to erect signs or other permanent features in his plan, he shall provide the Planning Commission with plans and supporting drawings in six (6) copies to sufficiently illustrate his proposal.

North Buffalo Township  
Zoning Ordinance

12.2.1 Conditional Use or Use by Special Exception: If a developer or owner proposes use listed as a conditional use or use by special exception in this Ordinance, which requires that a public hearing be held by the Township Board of Supervisors, he shall first or simultaneously receive approval of his proposal as required by this ordinance, before proceeding to satisfy the requirement of this Section.

12.2.2 Procedure for Consideration and Approval: The developer or owner shall submit required plans contemporaneously to the Township Planning and Commission and the Township Board of Supervisors with copies to the Township Engineer for action within the prescribed time requirements, and to the Armstrong County Planning Commission at least thirty (30) days prior to the next regularly scheduled Township Planning Commission meeting.

- A. At its next regularly scheduled meeting following the submission of plans, the Planning Commission shall begin a review of said plans for conformity with this ordinance; the physical characteristics and arrangement of the structures on the property; vehicular access and circulation into and within the property; parking layout; pedestrian walks; likely points of congestion or other dangerous conditions that may be created by the proposed development on adjacent roads; stormwater drainage systems, signs, outdoor lighting, landscaping and other features of the proposal that may be pertinent to the public health and safety. Said ninety (90) day review period shall commence on the date of the Planning Commission meeting after which the application was received, so long as the date of the Planning Commission meeting is within thirty (30) days after receipt of the plan by the Township Secretary. Should the next regular meeting occur more than thirty (30) days following the filing of the application, said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day of application was filed, as required by the Pennsylvania Municipalities Planning Code, Act 247, as amended. The developer or owner is urged to attend this meeting.
- B. The Planning Commission may recommend approval, approval with conditions, or rejection of the proposal as presented. The developer or owner may make revisions as suggested by the Planning Commission and resubmit plans to the Township for reconsideration.

Where the reconsideration and review will extend beyond the ninety (90) day period authorized, the Planning Commission or the Township Board of Supervisors may request an extension of time from the applicant. Where no extension is granted, action shall be taken as prescribed.

- C. Immediately after the Planning Commission has made its decision or after the developer or owner proposes no further revisions, the plans shall be submitted to the Township Board of Supervisors which shall review them at its next regular meeting along with the Planning Commission's recommendations. The Township Board of Supervisors shall approve or reject the plan or may approve it with conditions, which shall be attached to any permit issued for any construction on the property, within the ninety (90) day review period authorized. The decision shall be in writing and shall be communicated to the applicant personally or mailed no later than fifteen (15) days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this Section or other ordinance relied upon. Should the Township Board of Supervisors approve the application with conditions, the applicant shall agree to said conditions in writing, within thirty (30) days.
- D. After final approval by the Township Board of Supervisors, no changes shall be made in a plan unless changes are first reviewed and approved by the Planning Commission, and resubmitted for approval by the Township Board of Supervisors. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change or phase of development.
- E. Separate building and/or occupancy permits shall be required for each structure to be erected and/or used as part of an approved group of structures on a site in the R-2 Moderate Density Residential District, NC Neighborhood Commercial District, or L-1 Light Industrial District regardless of the proposed timing of the construction of each. Site development work, including but not limited to paving, stormwater drainage structures and landscaping



shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the structure. Earth disturbances activities shall be done in accordance with Commonwealth and local regulations in effect at the same time of final approval. Stormwater management, and design standards for said facilities shall be in compliance with all current local and Commonwealth regulations for such activities.

- F. At least ten (10) percent of the gross site area of any property to be developed shall be landscaped per recommendation of the Planning Commission and approval of the Township Board of Supervisors. Not less than five (5) percent of the total property area shall be landscaped in that portion lying between the principal structure of the property and all the abutting street right-of-way. Landscaping shall include all of the following elements: grassed areas, shrubbery, low trees, ground cover, mulching materials, or other features, and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location.
- G. To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas, or screened from view by use of appropriate landscape materials, fencing or earth mounding, or any combination of these.

#### 12.2.3 Contents of Site Plan Submission

- A. The site plan shall be presented in six (6) prints at a scale not smaller than one (1) inch equals fifty (50) feet. A location map at a scale of not less than one (1) inch equals two thousand (2,000) feet shall be provided, on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.
- B. The site plan shall contain at least the following information as prepared by a registered professional engineer, unless otherwise specified. Additional information may be required by the Planning Commission at its discretion. For existing structures where only the use is changing, some requirements may be waived by the Township Board of Supervisors upon the recommendation of the Planning Commission.
  - (1) Bearings and distances of all property lines and area of

North Buffalo Township  
Zoning Ordinance

- property in square feet as prepared by a registered land surveyor;
- (2) Location of adjacent road curbs or edge of paving and existing and proposed curb cuts;
  - (3) Public sanitary sewer, water supply, stormwater management, gas, electric, telephone, and other utility lines overhead or underground, existing and proposed, in street rights-of-way or in easements, inside the property or within fifty (50) feet of a boundary;
  - (4) Existing contours, slopes in excess of twenty-five (25) percent and proposed regrading at two (2) foot intervals or spot elevations fifty (50) feet apart in two (2) directions over the property where there are less than four (4) percent slopes;
  - (5) Location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline;
  - (6) Distances between all proposed structures or additions and property lines;
  - (7) Paving including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, and devices to retard stormwater drainage;
  - (8) Areas with mature trees or forest as defined herein;
  - (9) Proposed landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, outdoor lighting, etc.;
  - (10) Proposed signs showing elevation view and noting height of the top of the sign above the ground below. And dimensions of sign surface areas and distances from property lines;
  - (11) Areas subject to soil erosion, landslide prone soils, natural watercourses or drainageways, and wetlands;
  - (12) Elevation of each wall of each proposed structure showing architectural treatment, or optionally, a rendered perspective drawing of a structure showing two (2) walls at least one (1) facing the access street;

- (13) The name and address of the owner, developer, engineer, technical consultants and landscape architects (if involved) with the Pennsylvania seals of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan;
- (14) North arrow, graphic scale, title and date of submission;
- (15) A narrative describing the present and proposed use of the property;
- (16) A traffic impact study shall be required if the use generates one hundred (100) a.m. or p.m. peak hour trips or more; and
- (17) Environmental impact statements as specified in this Section.

#### 12.2.4 Environmental Impact Statement

- A. Environmental Impact Statement Requirements – If one or more of the following circumstances exist as part of the site plan application (Section 12.2), the Planning Commission may recommend to the Township Board of Supervisors that an Environmental Impact Statement shall be required as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental Protection, and shall be received by the Township Board of Supervisors at least ten (10) days prior to a scheduled review.
- (1) Construction activity in undermined areas with less than one hundred (100) feet of overburden, as designed by the Bureau of Mining and Reclamation, and its successors.
  - (2) Construction activity or encroachment involving a natural stream, watercourse or wetland.
  - (3) Construction activity within a landslide-prone area as delineated on Landslide Susceptibility Maps as maintained by the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Township Engineer.
  - (4) Construction activity involving the removal of ten thousand (10,000) square feet or more of forest or construction activity involving the removal of natural vegetation of five (5) acres or more in area.
  - (5) Construction activity within one hundred (100) feet of any wetland.

North Buffalo Township  
Zoning Ordinance

- (6) Any industrial development.
- B. Environmental Impact Statement Consent:
- (1) A description of the project. A map indicating:
    - (a) limit of the following slope areas:
      - i. 0-15%
      - ii. 15%-25%
      - iii. over 25%
    - (b) all-natural watercourses and wetlands;
    - (c) undermined areas with less than one-hundred (100) feet of overburden;
    - (d) landslide-prone soils;
    - (e) all forested areas.
  - (2) An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in this Section.
  - (3) A list of all licenses, permits and other approvals required by municipal, county, Commonwealth and federal law and the status of each shall be required before final consideration of the site plan. Where applicable, the applicant shall submit at the time of consideration of final approval stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.
  - (4) A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.
  - (5) Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologists or geo-technical consultant for undermining and land sliding problems, etc.
- C. Waiver of Environmental Impact Statement – The Planning Commission may waive the requirement for an Environmental Impact Statement if an applicant request said waiver in writing, and

further, provided said development or change of use meets all the standards of this Section, does not involve the relocation, improvement or alteration of any streamway, and no portion of the site is located within a flood hazard or flood-prone area.

- D. Waiver of Requirements – Provided the site plan application is in conformance with all other applicable municipal ordinances, that the applicant has requested such in writing, and that the Planning Commission has made a recommendation, the Township Board of Supervisors may waive, alter, or reduce any requirement or standards of this Article under the following circumstances:
  - (1) Suitable alternative – whenever a proposal presents an alternative which conforms to the spirit and intention of this Section.
  - (2) Unusual site characteristics – whenever a physical feature may exist on or adjacent to the site which prevents a literal conformance to requirements or standards.
- E. Request for Additional Information – Whenever it is determined by the Planning Commission that additional information is needed in order to make an informed recommendation related to the site plan application, Planning Commission will notify the applicant of such and the information must be provided at the applicant's expense before the application will be considered complete.
- F. Additional Requirements – Whenever unusual circumstances arise not normally considered by requirements and standards, the Board of Supervisors may impose conditions upon application approvals that are consistent with the purposes and objectives of this Section.

### **12.3 PREVENTATIVE REMEDIES**

- 12.3.1 In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instruments of transfer or other documents used in the

process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

12.3.2 The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provision of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

12.3.3 As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development or use of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

## **12.4 PROHIBITED USES**

12.4.1 As provided herein, a building may be erected, altered or used, for any trade, industry, or business that is not obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination, noise, or otherwise creates a public nuisance or hazard to public health, safety and welfare. In addition to uses that may be prohibited by reason of the above, the following uses are specifically prohibited by reason of the above, the following uses are specifically prohibited in all zoning districts and are declared to be public nuisances:

North Buffalo Township  
Zoning Ordinance

- A. The tanning or storage of rawhides or skins and fat rendering.
- B. The manufacture of gunpowder, fireworks, or other explosives excepting as may be a byproduct of other manufacturing operations. Wholesale storage of these items shall not be permitted. However, temporary storage shall be permitted for a time period not to exceed thirty (30) days. When explosives are stored as permitted, adequate liability insurance must be maintained to protect all persons and property in the event of accidents and other unforeseen circumstances. Required Commonwealth permitted and licenses must be held by the person or firm temporarily storing said explosives.
- C. Slaughter houses, stockyards, and fertilizer plants.

12.4.2 In the event that the owner of property within the judicial boundaries of North Buffalo Township in the LI Light Industrial District wishes to establish a use listed herein as a public nuisance, a public hearing before the Zoning Hearing Board shall be scheduled at which time the owner shall produce such evidence as deemed necessary by the Zoning Hearing Board to revise the use status to that of a special exception in said district. If such status is then acknowledged and accepted by the Board of Supervisors, a bond or surety shall be posted with North Buffalo Township in an amount commensurate with those costs as estimated by the Township Engineer to repair and restore all properties within one thousand (1,000) feet of the boundary lines of the subject property in the event of damage, physical or health related, or impact to said properties due to operations on the subject site.

## **12.5 USES NOT PROVIDED FOR**

Whenever in any district established under this Ordinance a use is neither specifically listed as permitted, not specifically excluded, and an application is made by a property owner to the Zoning and Codes Officer for such use, the Zoning and Codes Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception, based on an interpretation that the proposed use is or is not substantially similar to those permitted by right in district. Such conditions as may be deemed necessary to preserve the

character of the district in which the subject use is to be placed shall be imposed at the discretion of the Zoning Hearing Board.

## **12.6 HEIGHT REGULATIONS**

- 12.6.1 Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, nor chimneys, ventilators, skylights, silos, and ornamental or necessary mechanical appurtenances. Water tanks, utility poles, communication towers and television antennae heights shall be set by the Zoning Hearing Board as findings of fact in a special exception proceeding subject to all public notice provisions.
- 12.6.2 For all residential uses, accessory buildings shall not exceed the height of the principle residential structures on the lot.
- 12.6.3 No basement or cellar shall be permitted to be roofed or otherwise covered to provide permanent or temporary living quarters in said basement or cellar. This shall not be constructed to prohibit game rooms, family rooms, sleeping rooms or other accessory residential facilities that may be desired in basement or cellar areas,

## **12.7 MINIMUM FLOOR AREAS**

- 12.7.1 The minimum floor area for one-family dwellings shall not be less than one thousand (750) square feet.
- 12.7.2 The minimum floor area for multi-family dwellings shall not be less than seven hundred fifty (750) square feet.



## **12.8 LOT AREA AND ACCESS**

- 12.8.1 In the case of a lot held in single and separate ownership at the effective date of this Ordinance which does not fulfill the requirements for the minimum area for the district in which it is located, a building may be erected or altered thereon when authorized as a special exception. Where an abutting property is in the same ownership as the nonconforming lot, the two shall be combined to create a single conforming lot where the abutting property is not developed.
- 12.8.2 In the case of a lot held in single and separate ownership at the effective date of this Ordinance, and/or in the case of new developments, which because of unusual conditions of slope, depth or width has difficulty in providing the required minimum yards of the district in which it is located, the required minimum yards may be decreased when authorized as a variance.
- 12.8.3 No lot area shall be so reduced so that the area of the lot shall be smaller than herein prescribed.
- 12.8.4 Access to Lots: No dwelling shall hereafter be erected or altered unless there is direct access to it through a recorded right-of-way or easement for ingress and egress on the same lot. Such open space shall extend from the area of the dwelling unit to a public street or highway, or to a private street or highway having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purpose of this Section, an alley shall not constitute a public street or highway.

## **12.9 SPECIAL YARD REGULATIONS**

- 12.9.1 Front yards:
- A. Each lot shall have a front yard as required in the district in which the lot is located, unless a greater front yard (setback) restriction is or will be required by any other local ordinance. Corner lots shall be

provided with two (2) front yards, one abutting each street or road.

- B. When forty (40) percent or more of the lot frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard setback line established by adding the linear front footage of said buildings and dividing by the number of buildings at each nonconforming distance from the right-of-way line, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located nor be decreased by the same ratio.

#### 12.9.2 Structures in Yard Areas:

- A. Accessory Building: An accessory building may be erected within a rear yard provided that:
- (1) It shall be at least ten (10) feet from the rear property line.
  - (2) It shall be at least ten (10) feet from the nearest wall of the principal structure; or this may be reduced to five (5) feet, in any yard, if no windows or other openings are involved in the main building; or the accessory building may be integrated with the main building by continuous walls, breezeway, or other connection.
  - (3) It shall be at least ten (10) feet from the side yard line at the rear of the property beyond the principal building.
- B. Projections: No principal building, and no part of a principal building, shall be erected within or shall project into the required front, side or rear yard of a lot, except cornices, eaves and gutters. Steps and stoops, chimneys, and bay windows are permitted to project into yard areas provided that the projection is not more than twenty-four (24) inches.
- C. Vision Obstruction: No walk, fence, sign or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained or permitted, which may cause a danger to traffic traveling on a street, public road or private drive by obstructing or obstructing the view at the point of access. All such structures or

plantings shall be setback a minimum of five (5) feet from an abutting public or private right-of-way.

- D. Fences or walls shall be permitted to a maximum height of six and a half (6 ½) feet as follows:
- (1) No fence or wall shall be erected within any existing public or private vehicular right-of-way or as otherwise provided for in this Section.
  - (2) No fence or wall shall be permitted within an existing drainage or utility easement without the express permission of the utility or authority in control of said easement.
  - (3) No fence or wall shall be erected closer than one (1) foot of the side or rear property line.
  - (4) No solid fence may be erected beyond the building face of the structure in any required front yard in residential zoning districts. Decorative fences including but not limited to split-rail or picket fences shall not be held to this restriction in residential districts.
  - (5) Fencing or walls in commercial districts shall be designed to prohibit access, screen stored material or discourage placement of structures.
  - (6) A Building permit shall be required for the erection of an outside wall or fence.

## **12.10 BUFFERYARDS**

Bufferyards as required shall be provided by the developer or applicant on the subject parcel during the final phase of construction prior to occupancy.

12.10.1 The bufferyard may be coterminous with required front, side or rear yards and in case of conflict, the larger yard requirements shall apply.

12.10.2 In all bufferyards, a minimum fifteen (15) foot width shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Bufferyards widths may be averaged with the most narrow portion of the yard being

North Buffalo Township  
Zoning Ordinance

seventy (70) percent of the minimum established width or ten point five (10.5) feet where physical constraints prevent the provision of the standard width.

12.10.3 No structure, manufacturing activity or storage of materials shall be permitted in the bufferyard.

12.10.4 All bufferyards, except as otherwise provided for in this Section hereunder, shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, airborne particles and glare. Such screen planting shall be in accordance with the following requirements:

- A. Plant materials used in the screen planting shall be a minimum of fifty (50) percent evergreen and of such other species and initial heights as will produce a dense visual screen at least eight (8) feet high within five (5) years.
- B. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
- C. The screen planting shall be so placed that at maturity it will not overhang any street or property line.
- D. A clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
- E. The screen planting shall be broken only at points of vehicular or pedestrian access.

12.10.5 In PRD's, the following minimum standards shall apply to bufferyards:

- A. Existing deciduous and coniferous trees above two (2) inches caliper and/or six (6) feet in height shall be preserved in the bufferyard except where clearance is required to ensure adequate sight distances. Any removal should, where feasible, involve relocation rather than clearing.
- B. Buffer width and planting materials shall be laid out with respect to existing or proposed off-site uses. The minimum width may be used where compatible single-family uses adjoin or where the property abuts non-buildable land. The object of the planting shall be defined in the plan as visual screening or to prevent access to hazardous areas.

North Buffalo Township  
Zoning Ordinance

- C. Generally, a minimum of twenty-five (25) percent of plant material shall be evergreen, ten (10) percent deciduous. Planting shall be adequate in quality to fully cover the twenty-five (25) minimum foot buffer, but may be clumped or grouped for a maximum efficiency.
  - (1) Where glare from exterior lighting is a problem, fifty (50) percent of the planting shall be evergreen.
  - (2) Where hazardous conditions exist, hedge row planting should be such as to make access difficult.
  - (3) Where visual screening is most important, evergreens and flowering trees should be increased to fifty (50) percent of the total.
- D. Self-maintaining ground cover or grass shall be planted to the edge of the buffer.
- E. Prior to the issuance of any zoning approval, complete plans showing the arrangement of all bufferyards, the placement, species and size of all plant materials, and the placement, size, materials and type of all fences to be placed in such bufferyards shall be reviewed to ascertain that the plans are in conformance with the terms of this ordinance, and other applicable Township regulations.

12.10.6 Bufferyards at District Boundaries

- A. Where an industrial or manufacturing district abuts a residential district, a bufferyard as defined in this section on parcels or tracts of land zoned as NC Neighborhood Commercial District or L-I Light Industrial of not less than thirty (30) feet, shall be provided as per this Section.
- B. Where an industrial or manufacturing district abuts a stream channel or drainage swale, a bufferyard of not less than fifteen (15) feet measured from the centerline of said stream channel or drainage swale shall be provided.
- C. Bufferyards required for other than industrial or commercial districts, shall be at least twenty (20) feet wide.
- D. Bufferyards shall be planted in such manner as to provide screening or filtering of noise and dust and to provide a visual barrier to certain uses considered incompatible with residential uses in close proximity.
- E. Screen planting shall be of a species and size necessary to produce a

visual screen at least (6) feet high in three (3) years and ultimately at least eight (8) feet. No plant less than four (4) feet in height shall be planted initially and at least forty (40) percent of the total plants shall be evergreen. The planting shall be permanently maintained.

- F. Vehicular and pedestrian access may be provided through bufferyards, provided that such openings do not cause storage areas or outdoor processing to be visible from adjacent residential structures.
- G. All bufferyards shall be planted and maintained with a vegetative material to include a row of trees planted not more than twenty (20) feet on center, and trunk size at least two (2) inches in caliper measured one (1) foot above normal soil level.
- H. Bufferyards other than interior side or rear bufferyards may be crossed by access roads and service drives not more than thirty-five (35) feet in width, provided that the angle of the centerline of the road or drive crosses the lot line and bufferyard at not less than sixty (60) degrees.

## **12.11 DRAINAGE REGULATIONS**

- 12.11.1 In all districts, no permanent structure shall be permitted within fifty (50) feet of the centerline of any stream or existing natural drainage channel that cannot be safely diverted.
- 12.11.2 If normal agricultural operations require a fence to cross a stream or drainage channel, such fence shall be permitted only if it does not restrict the natural flow of water.
- 12.11.3 Stormwater management plans shall be in compliance with the North Buffalo Township stormwater management regulations and the Township's Engineer's Guidelines as adopted by Resolution.
- 12.11.4 Commercial and or residential structures can be erected on a lot that is subject to periodic flooding, but not recommended, as defined within by Commonwealth or Federal regulations and the Township's Engineer's Guidelines as adopted by Resolution.

## **12.12 DEEP OR OPEN PIT MINING**

In districts where permitted, all open pit mining shall be subject to all applicable Pennsylvania Department of Environmental Protection regulations and local laws governing the same activities.

## **12.13 COMMUNICATIONS TOWERS**

- 12.13.1 Any tower proposed, shall comply with the provisions in this section. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
- 12.13.2 If the communication company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication companies, other communications towers (fire, police, etc.), and other tall structures. North Buffalo Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- 12.13.3 The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. Not antenna that is taller than this minimum height shall be approved.
- 12.13.4 Setbacks from base of antenna support structure: If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

North Buffalo Township  
Zoning Ordinance

- A. One hundred (100) percent of antenna height.
  - B. The minimum setback in the underlying zoning district.
  - C. Forty (40) feet minimum.
  - D. A linear one half (1/2) mile separation shall be maintained between communications towers, measured from the base of the support structure.
- 12.13.5 Fencing: A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- 12.13.6 Landscaping: The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. North Buffalo Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening at the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
- A. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting, and shall grow to a minimum of fifteen (15) feet at maturity.
  - B. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- 12.13.7 In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire and ambulance companies.
- 12.13.8 The communications company must demonstrate that it is licensed by the Federal Communications Commission.



- 12.13.9 Antenna support structure under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulation. No antenna support structure may be artificially lightened except as provided for and required by the FAA.
- 12.13.10 A site development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access, and all other items required in Section 12.2 of this Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

#### 12.14 FORESTRY/LOGGING ACTIVITIES

LOG - as defined in section 3.2.88a is cylindrical in shape, eight (8) inches or more in diameter, and greater than five (5) or more feet long.

- 12.14.1 Permit Procedures:
- A. A permit, issued by the Township Supervisors, shall be required for all logging or forestry activities.
    - 1. Permit fees may be waived for the harvesting of fifteen (15) logs or less per calendar year per single property.
    - 2. The clearing of property for the expansion of a yard is not considered logging providing harvested trees are not sold for profit.
  - B. A review of the forest management or forest harvesting plan by the Township Planning Commission shall precede the issuance of any logging permit. **Repealed.**
  - C. One (1) copy of the management or harvesting plan shall be submitted to the Township Secretary a minimum of thirty (30) days prior to logging activities
  - D. Failure to secure such permit prior to initiating the logging activity or upon receipt of notice to do so, shall result in the filing of enforcement action against the property owner and operator.
  - E. For each day that a violation of these provisions continues beyond

the compliance date, penalties as provided for the Article XX of this Ordinance shall be imposed.

- F: ***Condition of the logging permit: The following sections 12.14.2 and 12.14.3 must be complied in entirety and will be enforced by North Buffalo Twp. Officials or Pennsylvania Department of Environmental Protection (DEP).***

12.14.2 Logging and the Cutting of Trees:

- A. Logging shall be done only in accordance with a forest management or forest harvesting plan prepared by a forester or qualified professional, a copy of which plan shall be filed with the Township Secretary. All forest management and harvesting plans and the logging operation itself shall comply with the following requirements:
- (1) An erosion and sedimentation plan shall be submitted prior to the start of logging operations.
  - (2) All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.
  - (3) Road and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
  - (4) Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
  - (5) Where possible, stream crossing shall be avoided but where deemed necessary, crossing shall be made at a right angle across suitable culverts or bridges.
  - (6) Skidding across live or intermittent streams is prohibited except over bridges or culverts.
  - (7) Buffer zones of appropriate dimensions shall be maintained on the property on which the logging operation is being conducted along all streets and abutting properties, and around streams or springs on the tract being logged.
  - (8) Everything practical shall be done to prevent damage or

North Buffalo Township  
Zoning Ordinance

- injury to young growth and trees not designated for cutting.
- (9) All limbs and stubs shall be removed from felled trees prior to skidding.
  - (10) No trees shall be left lodged in the process of felling.
  - (11) Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township roads and streets, or the Pennsylvania Department of Transportation in the case of State highways.
  - (12) Tops to a maximum height of four (4) feet or slash remaining in buffer areas shall be disposed of by the contractor or property owner.
  - (13) The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.
  - (14) During periods of abnormal forest fire danger, as determined by the Emergency Management Coordinator of Armstrong County or Township Supervisors, the Township shall have the right to order a suspension of logging operations until the danger subsides.
  - (15) Littering is prohibited and during and upon completion of a logging operation all cans bottles, paper, garbage and other litter of any type shall be removed from the property.
  - (16) Upon completion of a logging operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked except as necessary for the passage of appropriate vehicles.
  - (17) The use of Township roads will require the posting of a bond for logging vehicles.
- B. Before the logging operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designed for removal on the forest management plan as finally

North Buffalo Township  
Zoning Ordinance

approved.

- C. The holder of a permit to conduct a logging operation shall notify the Township, in writing, by fax, or telephone, within one (1) week before the cutting of trees is to begin in connection with the construction of roads or trails, weather permitting. **Repealed.**
- D. The holder of a permit to conduct a logging operation shall notify the Township, in writing, by fax, or telephone, within one (1) week before the cutting of trees for removal from the site is to begin, weather permitting. **Repealed.**
- E. The holder of a permit to conduct a logging operation shall notify the Township at least one (1) week in advance of the expected completion date of the logging operation, and shall notify the Township immediately upon said operations completion, weather permitting.
- F. The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed logging operation after an application to conduct such operation has been filed for the purpose and reviewing the plans for the proposed operation.
- G. After a permit for a logging operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the logging operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.
- H. The holder of a permit to conduct a logging operation shall be notified of an inspection within a week of its scheduled date or a minimum of forty-eight (48) hours prior to said site inspection.

12.14.3

- A. Minimum requirements: As a minimum, the logging plan shall include the following:
  - (1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and log landings;
  - (2) Design, construction, and maintenance of water control measures and structures as culverts, broad-based dips, filter

North Buffalo Township  
Zoning Ordinance

- strips, and water bags;
  - (3) Design, construction, and maintenance of stream and wetland crossing;
  - (4) A stand prescription for each stand located in the proposed harvest area; and
  - (5) The general location of the proposed operation in relation to municipal and state highways, including accesses to those highways.
- B. Map: Each logging plan shall include a site map containing the following information:
- (1) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property; areas proposed for clear cutting shall be clearly delineated on the site map.
  - (2) Significant topographic features related to potential environmental problems;
  - (3) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  - (4) Location of all crossings of water of the Commonwealth; and
  - (5) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- C. Compliance with State Law: The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:
- (1) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et. seq.);
  - (2) Stream crossing and wetlands protection regulations in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et. seq.); and
  - (3) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. § 680.1 et. seq.).
- D. Relationship of State Laws, Regulations, and Permits to the Logging

Plan: Any permits required by the Commonwealth laws and all applicable regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated map specified in Paragraphs A and B of this Section, provided that all information required by these paragraphs is included or attached.

## **12.15 AUTO RESTORATION**

- 12.15.1 In all zoning districts, no more than two (2) unregistered, unlicensed vehicles in the process of restoration shall be stored or parked on the exterior of a lot for any period.
- 12.15.2 Restoration activity shall not exceed twelve (12) months (365 days) on vehicles on the exterior of a lot.
- 12.15.3 All vehicles being restored shall be moved inside or removed from the lot at the expiration of the twelve (12) month period.

## ARTICLE XIII

### CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

Any use which is permitted as conditional use or a use by special exception in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### 13.1 CONDITIONAL USES

Where the Township Board of Supervisors, in this Ordinance, has stated conditional uses to be granted or denied by the Township Board of Supervisors pursuant to express standards and criteria, and pursuant to recommendation by the Planning Commission, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

- 13.1.1 Submission for Application: The granting of a conditional use by the Township Board of Supervisors shall be predicated upon the developer's submission of a written application demonstrating that the development for which the conditional use is sought:
- A. Will not endanger the public health and safety if located where proposed, and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare and vibration;
  - B. Meets all other requirements of this Ordinance in the zoning district where the use is proposed;
  - C. Is in general conformity with the Comprehensive Plan for the North Buffalo Township and in harmony with the area in which it is proposed, and
  - D. Is in general conformity with the Comprehensive Plan for North Buffalo Township and in harmony with the area in which it is proposed; and

- 13.1.2 The applicant/developer shall submit single deed and drawings to scale. The drawing shall indicate the boundaries of his property, location of adjacent streets, the location and height of proposed buildings on the property, proposed grading and storm drainage, and location and number of proposed parking spaces and proposed curb cuts.
- 13.1.3 Action by the Planning Commission: Upon filing of an application for a conditional use, the Board of Supervisors shall submit each such conditional use application to the Planning Commission at least thirty (30) days prior to the hearing on such conditional use to provide the Planning Commission an opportunity to submit recommendations. Such recommendations shall be in writing with copies transmitted to the applicant and to the Township Board of Supervisors.
- 13.1.4 The Board of Supervisors shall commence a public hearing, pursuant to public notice, on completed request, as determined by the Zoning Officer for conditional use within sixty (60) days from the date of receipt of the completed request, unless the applicant agrees in writing to a time extension. Each subsequent hearing shall be held within forty-five days of the prior hearing unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or process of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Court of the Common Pleas. The Board of Supervisors may ask for additional information or continue the hearing but shall render a written decision as indicated in this section within forty-five (45) days of conclusion of the hearing.
- 13.1.5 The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or where no decision is called for, the findings shall be made by the Board. However, the applicant in addition to the municipality may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.



North Buffalo Township  
Zoning Ordinance

- 13.1.6 Failure of the applicant to apply for a building permit within one (1) year of receiving approval of the conditional use shall render the decision by the Board of Supervisors null and void. In addition, where the Board of Supervisors fails to commence the required hearing within sixty (60) days of receipt of a complete application or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case-in-chief, unless extended for good cause, the decision shall be deemed to have been rendered in favor of the applicant, unless an extension of time has been agreed to by the applicant.
- 13.1.7 In addition, notice of the public hearing shall be mailed at least thirty (30) days prior to the date of the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned as evidence by tax records. The notice shall include the location, date and time of the public hearing. Individual notification shall not apply in the case of a comprehensive rezoning and a good faith effort and substantial compliance shall satisfy these requirements.

**13.2 ADULT BUSINESSES**

Conditional use in the L-1 Light Industrial District.

- 13.2.1 Adult businesses shall not be located within one thousand (1,000) linear feet of any property which is zoned residential.
- 13.2.2 Adult businesses shall not be located within five hundred (500) feet of the property boundary line of the following uses:
- A. Public or private school (existing)
  - B. Day care center
  - C. Hospital
  - D. Group care facility
  - E. Nursery school
  - F. Assisted living facility
  - G. Public park or playground
  - H. Church (place of worship)

North Buffalo Township  
Zoning Ordinance

- I. Establishment licensed to serve or sell alcoholic beverages
  - (1) No adult businesses shall be located within one thousand (1,000) linear feet of any other existing or proposed adult business.
  - (2) Any adult business which exhibits on the premises, film, video cassette or other method of image production which depicts nudity or sexual conduct shall comply with the following:
- J. At least one (1) employee shall be on duty at all times that any patron is on the premises.
- K. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
- L. No viewing room shall be occupied by more than one (1) person at any time.
- M. No connections or openings to adjoining viewing rooms shall be permitted.
- N. A minimum of one (1) foot candle of illuminations measured at floor level, shall be provided in every area where patrons are permitted access.
- O. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
- P. Alcoholic beverages shall not be sold on the premises of an adult business.
- Q. An annual Occupancy Permit issued by the Zoning and Codes Officer shall be secured prior to the operation of any adult business.

**13.3 ASSISTED LIVING FACILITIES (Personal Care or Nursing Home)**

Conditional use in the R-1, R-2 Districts.

- 13.3.1 The minimum site area required for an assisted-living facility shall be five (5) acres.

North Buffalo Township  
Zoning Ordinance

- 13.3.2 The dwelling unit density shall not exceed twelve (12) dwelling units per acre.
- 13.3.3 No building used for residential purposes shall exceed .75 of an acre (32,670 square feet) in lot coverage.
- 13.3.4 Off-street parking shall be provided at the rate of one (1) parking space for each staff person on peak shift, plus one (1) parking space for each dwelling unit, plus one (1) parking space for each ten (10) dwelling units to be designated for visitor parking.
- 13.3.5 Common outdoor open space shall be provided on the site to accommodate the leisure and recreational needs of the residents. These areas shall be adequately buffered from any commercial uses on adjoining properties.
- 13.3.6 The facility shall be designed to maximize accessibility by fire-fighting and emergency vehicles.
- 13.3.7 The facility shall be designed to provide a protected off-street area for dropping off and picking up residents.
- 13.3.8 An assisted living facility may include a common dining area and shall include common leisure and/or recreational areas.
- 13.3.9 Supporting uses:
- A. An assisted-living facility may include one or more of the following supporting uses, subject to approval by the Zoning Hearing Board as part of the application for the conditional use:
- (1) Postal station.
  - (2) Banking facility.
  - (3) Pharmacy and/or medical offices.
  - (4) Personal services, such as beauty shop, barbershop dry cleaner's, valet, common laundry.
  - (5) Ice cream parlor and/or flower or gift shop.
  - (6) Taxi, van or similar transportation service.

North Buffalo Township  
Zoning Ordinance

- 13.3.10 The foregoing uses shall be restricted to use by the residents and staff only and shall be located within the principal building or buildings which contain the swelling units. There shall be no exterior signs or other evidence of the uses visible from the outside of the residential buildings.

**13.4 JUNKYARD (Automotive Recycling Facility)**

Conditional use in the L1 Zoning District.

- 13.4.1 The minimum lot area required shall be five (5) acres or 217,800 square feet.
- 13.4.2 The provisions of Ordinance No. 08-1, Junkyard Ordinance, shall be applicable to all proposed junkyards.
- 13.4.3 All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, with no junk piled to a height of more than six (6) feet.
- 13.4.4 No junkyard or automotive recycling facility shall be maintained in such a manner as to cause a public nuisance, nor cause any offensive characteristics in excess of the Performance Standards established in Article IV of this Ordinance, nor provide areas for the breeding or harboring of rats, flies or other vermin.
- 13.4.5 Any fluids which are discharged from machinery or vehicle parts shall be collected on site and disposed of by a licensed hazardous material waste hauler.

**13.5 EDUCATIONAL OR RELIGIOUS USES**

Conditional use in the AR, R-1 and R-2 Zoning Districts.

- 13.5.1 The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.

- 13.5.2 The minimum distance between main buildings on the zoning lot shall be as follows:
- A. Front-to-front, or front-to-rear, or rear-to-rear, two (2) times the height of the buildings, or if they be of different heights, two (2) times the height of the taller building but not less than eighty (80) feet.
  - B. Front-to-end, or rear-to-end, one and one-half (1 ½) times the height of the buildings, or if they be of different heights, one and one-half (1 ½) times the height of the taller building but not less than fifty (50) feet.
  - C. End-to-end, or rear-to-end, one and one-half (1 ½) times the height of the buildings, or if they be of different heights, one and one-half (1 ½) times the height of the taller building but not less than fifty (50) feet.
- 13.5.3 If housing in connection therewith is provided, including dormitory facilities for students and teachers, the lot area in relation to the number of sleeping rooms or persons to be housed is such as to provide a unit density commensurate with that permitted in the zone district where the institution is located, considering each sleeping room as a dwelling unit and the entire property owned by the institution in determining the density.
- 13.5.4 The location of automobile parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
- 13.5.5 Minimum front and rear yards shall be ten (10) feet greater in depth, and minimum side yards shall be ten (10) feet greater in width, than the minimum required for any main structure in the district in which such use is located.

## **13.6 GREENHOUSES AND LANDSCAPING SUPPLY YARDS**

Conditional use in the AR Zone, permitted in NC.

North Buffalo Township  
Zoning Ordinance

- 13.6.1 Greenhouse, horticulture and landscaping supply yards, for commercial/retail sales, provided conducted upon a lot or parcel of land not less than five (5) continuous acres in area.
- 13.6.2 Accessory uses and accessory buildings incidental to the permitted principal uses located on the same lot. Any greenhouse facility for personal use as an accessory use for noncommercial purposes, i.e., for the private use of the occupant of the principal use shall not exceed an area of two-hundred fifty-six (256) square feet. Permitted accessory building shall be set back not less than ten (10) feet from the closest side or rear property lines.
- 13.6.3 Outdoor storage of materials, equipment and maintenance vehicles, shall be permitted behind the principal structure(s) only.
- 13.6.4 Bulk sale materials shall be stored in containers or accessory structures.
- 13.6.5 If offices are provided, parking shall be at the number established for business offices. Areas used for storage and materials, vehicles or equipment shall provide one (1) parking space for every one thousand five-hundred (1,500) square feet of floor area devoted to that use.
- 13.6.6 No structures shall be placed closer than fifty (50) feet to any adjacent residential property line.

### **13.7 HOME OCCUPATION**

Conditional accessory use in the AR and R-1 Zoning Districts. Accessory use in the R-2 District.

- 13.7.1 There shall be no exterior evidence of the conduct of a home occupation. Except for signs as provided for in Section 14.1.7.
- 13.7.2 A home occupation shall be conducted only within an enclosed living area of the dwelling unit or the attached garage.
- 13.7.3 Electrical or mechanical equipment that creates visible or audible

interference in television or radio receivers or causes fluctuations in line voltage outside the dwelling unit or that creates noise not normally associated with residential uses shall be prohibited.

13.7.4 Outdoor work, service, and storage areas, are not permitted unless, screened from the view of public roads and from adjacent residences by planted areas and/or fences a minimum of ten (10) feet in width.

13.7.5 There shall be no noise, odor, dust, fumes, glare or flashing lights, which normally are considered objectionable, perceptible without instruments more than twenty-five (25) feet from the boundaries of the lot.

13.7.6 The storage of any material classified as hazardous or dangerous shall be prohibited.

13.7.7 Only two (2) home occupants per dwelling shall be permitted.

13.7.8 Persons with demonstrated physical handicaps may be permitted special consideration by the Board of Supervisors. The applicant may request waiver of a portion or all of one or more of the foregoing requirements. This special request shall be considered by the Board of Supervisors, at a public hearing, after notice to property owners within three hundred (300) feet of the subject property. The Board of Supervisors may only grant waivers on the basis of the applicant's physical inability to function within said requirements.

### **13.8 MODULAR OR MOBILE HOME PARKS AND/OR RV CAMPGROUNDS**

Conditional use in the AR District.

13.8.1 The minimum site required for a mobile home park or RV campground shall be five (5) acres.

13.8.2 The site shall be served by public sewers or a community treatment plant for entire development.

- 13.8.3 The minimum mobile home lot shall be 1/2 an acre.
- 13.8.4 The minimum recreational vehicle lot shall be 1/2 an acre.
- 13.8.5 The minimum yard requirements for each mobile home lot shall be twenty-five (25) feet for front yards, twenty (20) feet for rear yards and ten (10) feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- 13.8.6 Every mobile home lot shall have access to a public or private street.
- 13.8.7 Each mobile home lot shall provide two (2) off-street parking spaces.
- 13.8.8 A minimum fifteen (15) feet wide planted bufferyard shall be provided along the side and rear site boundary lines of all modular or mobile home parks or RV campgrounds.

### **13.9 MOTELS AND HOTELS**

Conditional use in the L-1 Zoning District.

- 13.9.1 No motel shall have a lot area less than one (1) acre.
- 13.9.2 Motels shall utilize collective sewers connected with an approved sewage disposal system.
- 13.9.3 Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.
- 13.9.4 Cabins or parts thereof shall not be permitted.
- 13.9.5 At least one (1) parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed on the motel premises shall be provided as required by Article XV.



- 13.9.6 Every unit shall be provided with running hot water and cold water and, separate toilet facilities.

### **13.10 PLANNED RESIDENTIAL DEVELOPEMENTS**

Conditional use in the R-1 Zoning District. See Article XI.

### **13.11 PUBLIC OR PRIVATE HIGH SCHOOLS**

Conditional use in the R-2 Zoning District.

- 13.11.1 Shall be licensed and certified by the Board of Education or Board of Directors.
- 13.11.2 Minimum front yard shall be fifty (50) feet. In the case of a corner lot, a front yard, the depth of which shall be at least fifty (50) feet, shall be required on each street on which the lot abuts.
- 13.11.3 For each building there shall be two (2) side yards of not less than twenty (20) feet each.
- 13.11.4 A rear yard shall be at least fifty (50) feet.
- 13.11.5 Whenever the lot line abuts a residential use or district, the setback shall be a minimum of one hundred (100) feet from the property line.
- 13.11.6 The minimum distance between buildings shall be fifty (50) feet provided, however, that the spacing between a principal and accessory building may be reduced to thirty-five (35) feet.
- 13.11.7 There shall be a planted bufferyard of at least ten (10) feet along the perimeter of the property.
- 13.11.8 Access shall be from a collector roadway.

### **13.12 PUBLIC PARKS AND PLAYGROUNDS**

Conditional use in the AR and R-1 Zoning Districts.

- 13.12.1 Shall be licensed and certified by the Board of Education when located on school district property.
- 13.12.2 Minimum front yard shall be fifty (50) feet. In the case of a corner lot, a front yard, the depth of which shall be at least fifty (50) feet, shall be required on each street on which the lot abuts.
- 13.12.3 For each building there shall be two (2) side yards of not less than twenty (20) feet each.
- 13.12.4 A rear yard shall be at least fifty (50) feet.
- 13.12.5 Whenever the lot line abuts a residential use or district, the setback shall be a minimum of one hundred (100) feet from the property line.
- 13.12.6 The minimum distance between buildings shall be fifty (50) feet provided, however, that the spacing between a principal and accessory building may be reduced to thirty-five (35) feet.
- 13.12.7 There shall be a buffer area of at least ten (10) feet along all property lines.
- 13.12.8 Access shall be from an arterial road (or collector road, where approved).

### **13.13 RETAIL SHOPPING CENTERS**

Over fifty thousand (50,000) square feet, subject to the recommendation of the Planning Commission, and compliance with the provisions of Section 12.2, Site Plan Review Criteria.  
Conditional use in the NC Zoning District.

- 13.13.1 The site shall have frontage on and direct vehicular access to an arterial or

collector street as identified in the Township's Comprehensive Plan.

- 13.13.2 The minimum site area required shall be five (5) acres.
- 13.13.3 Once the improvements are completed in an approved retail shopping center land development plan, lots within an approved and recorded retail shopping center may be sold and developed as independent entities for any authorized use in the District.
- 13.13.4 Only the uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the retail shopping center is located shall be permitted in the retail shopping center.
- 13.13.5 The entire perimeter of a retail shopping center site shall be screened by the bufferyards specified by Section 12.9 of this Ordinance to provide the separation required between the adjoining uses. Bufferyards shall not be required between uses within the site of the retail shopping center.
- 13.13.6 The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.
- 13.13.7 The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

#### **13.14 SANITARY LANDFILLS AND TRANSFER STATIONS**

Conditional use in the L-1 Zoning District.

- 13.14.1 The types of waste materials deposited at the landfill site and all handling, treatment and storage and other activities with respect to the operation shall be in compliance with applicable federal, state and local statues, regulations and enforcement procedures.

North Buffalo Township  
Zoning Ordinance

- 13.14.2 No landfill facility shall be used for disposal of any hazardous demolition material, sludge from sewage treatment plants or water treatment facilities or hazardous waste from residential, municipal, commercial or institutional sources, as regulated by the Pennsylvania Department of Environmental Protection.
- 13.14.3 A site plan shall be included in the application that delineated site ingress and egress, use areas within the site and approximate dimensions, phasing of use area, location of all structures, and location and description of all proposed screening and fencing.
- 13.14.4 No landfill site shall be established on a site containing less than twenty (20) contiguous acres.
- 13.14.5 The applicant shall provide plans for transportation of materials to the site. Said plan shall delineate access routes, provisions for traffic control and procedures to minimize littering and overflow problems along access routes contiguous to the site. Measures that will be taken to maintain all Township roads used for primary site access shall be specified.
- 13.14.6 Surety or performance bonds in amounts specified by the Board of Supervisors shall be posted by the applicant to repair any damages to roads that may result from the landfill operation.
- 13.14.7 The applicant shall outline procedures to be employed to provide for anti-pollution and nuisance control, clean up and site maintenance, the protection of area water supplies and other applicable concerns related to the health and safety of adjacent residential areas.
- 13.14.8 Adequate screening shall be provided along the perimeter of all side and rear lot lines, a minimum width of twenty (20) feet. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of kind, or used in such a manner, so as to provide a continuous opaque screen within twenty-four (24) months after commencement of operations in the area to

North Buffalo Township  
Zoning Ordinance

be screened. The Zoning Hearing Board shall require that either new plantings or alternative screening be provided if, after twenty-four (24) months, the plant materials do not provide an opaque screen.

13.14.9 All active use areas shall be completely enclosed by a metal fence not less than six (6) feet above the ground level to be constructed of barbed wire or other appropriate material, with the entire fence being constructed in such a manner so as to prevent the entry by unauthorized persons onto the portion of the premises on which the use is situated. Required fencing shall be located on the inside perimeter of this required screening.

13.14.10 Landfill operations shall not be conducted within one thousand (1,000) linear feet of any property line adjoining a residential use or zoning district.

13.14.11 The driveway or haul road entering the site from a public street shall be paved for a distance of five-hundred (500) feet from the public road.

13.14.12 Transfer Stations

- A. This use shall be located on a lot in a completely enclosed building.
- B. The owner of the property and the owner and operator of the transfer station shall maintain the site so as to prevent rodent and insect infestation.
- C. The owner/operator shall dispose of litter from the building site where the collection center is located.
- D. A land development plan shall be submitted to the Township Supervisors prior to issuance of a building permit. This plan shall indicate at a minimum:
  - (1) Location of a structures on site including proposed structures.
  - (2) Proposed traffic movements and points of ingress and egress, including parking and site triangles at points of access.
  - (3) Adjacent land uses.
  - (4) Additional information shall be submitted as determined necessary by the Township Supervisors in order to evaluate the proposed transfer station.

### **13.15 SENIOR CITIZEN HIGH RISE**

Conditional use in the R-2 Zoning District.

- 13.15.1 Such structures shall be situated on a minimum two (2) acre lot serviced by both public water and sanitary sewerage.
- 13.15.2 Maximum height five (5) stories or sixty (60) feet maximum.
- 13.15.3 Minimum parking requirement – one (1) space per dwelling unit.
- 13.15.4 Access to public transportation shall be provided on site.

### **13.16 RECREATIONAL ACCESSORY STRUCTURES**

Structures used for and in conjunction with, municipal or county recreation programs, provided the architecture is in harmony with existing materials in use in the district. Conditional use in the AR and R-1 Zoning Districts.

- 13.16.1 Structures shall be set back at least one-hundred (100) feet from all property lines and boundary areas if wooded shall remain in their natural state;
- 13.16.2 Access drives shall be located to take advantage of the maximum sight distance for motorists;
- 13.16.3 Parking areas shall be screened from adjacent residential properties;
- 13.16.4 Lighting shall be oriented so as not to create glare or excessive light conditions on adjacent properties or roads;
- 13.16.5 Signs shall not exceed thirty (30) square feet in area, shall not exceed two (2) in number on the property, and shall not be lighted.

### **13.17 SUPPLY YARDS AND CONTRACTOR YARDS**

Conditional use in the L-1 Zoning Districts.

- 13.17.1 Materials stored outside shall be screened from view with dense plantings or opaque fencing material.
  - A. Plantings shall include a fifty/fifty (50/50) percent mix of deciduous and evergreen trees at a maximum of ten (10) foot intervals.
  - B. Deciduous trees shall have a minimum two (2) inch caliper at chest height and evergreens shall be a minimum of five (5) feet in height.
- 13.17.2 Where material is stored in bins or stalls designed for access, planting may be reduced as recommended by the Planning Commission.
- 13.17.3 Equipment and/or vehicles, when stored outside, shall be fenced in with either opaque or wire mesh fencing around the entire perimeter.

### **13.18 MIXED USE SHOPPING CENTERS**

Conditional use in the NC Neighborhood Commercial District.

- 13.18.1 The site shall have frontage on and direct vehicular access to an arterial or collector roadway as defined by the Pennsylvania Department of Transportation.
- 13.18.2 The minimum site area required for a Mixed-Use Shopping Center shall be five (5) acres, with a maximum of two hundred thousand (200,000) square feet of gross leasable floor area.
- 13.18.3 Once the public and private improvements are completed to the satisfaction of the Township Engineer in an approved Mixed-Use Shopping Center, lots within in an approved and recorded Mixed Use Shopping Center may be sold and developed as independent entities for any authorized use in the

District.

- 13.18.4 Only the uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the Mixed-Use Shopping Center is located shall be permitted.
- 13.18.5 The side and rear yard of a Mixed-Use Shopping Center site shall be screened by a bufferyard from any adjoining R District in accordance with the requirements of Section 12.9 of this Ordinance to provide the separation required between the adjoining uses.
- 13.18.6 The land development plan shall be designed to minimize points of access to the public roadways. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access provided, where Planning Commission and Board of Supervisors deem it necessary.
- 13.18.7 The site shall be planned and designed as a unit with uniform signage and landscaping, common parking and loading areas which shall to promote interior circulation efficiency and present a common design theme.
- 13.18.8 The applicant shall demonstrate through the submittal of a Traffic Impact Analysis that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- 13.18.9 All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- 13.18.10 The application shall comply with the provisions of Article XV of this Ordinance with regard to off-street parking and loading requirements, and Article XIV of this Ordinance with regard to signs and outdoor advertising structures.

### **13.19 ADAPTIVE REUSE**

The reuse and occupancy of an existing structure within North Buffalo Township of a



North Buffalo Township  
Zoning Ordinance

nonconforming or conforming use on land in part or in whole within a specified Zoning District shall be permitted as follows:

- 13.19.1 The standards and review procedures enumerated in this Section shall be applicable to all such proposals for adaptive reuse and shall be used in lieu of the provisions for land development approval.
- 13.19.2 The proposed use shall demonstrate an overriding public interest and be consistent with the Township's Comprehensive Plan, as determined by the Board of Supervisors.
- 13.19.3 All applicants and/or property owners shall submit five (5) copies of a Use Narrative and all required information as specified in this subsection to the Township Secretary at least ten (10) days prior to the initial review by the Planning Commission.
  - A. Copies of recorded plot plan at a scale no greater than one (1) inch equals fifty (50) feet.
  - B. The location and dimensions of all existing structures, public utilities, and utility easements, and/or private wells and septic systems.
  - C. The location of all parking areas, driveways or points of access to any public or private rights-of-way.
  - D. The location of any and all land classified as a wetland or in a FEMA floodplain.
  - E. The location and description of all proposed exterior improvements including lighting, parking areas, sidewalks, landscaping and signage.
  - F. Anticipated traffic impact, including the following:
    - (1) Number of employees on the largest shift;
    - (2) Number of daily deliveries or pick-up trips and types of vehicles used; and
    - (3) Principal roadways and streets to be used by vehicles entering and leaving the proposed site.
  - G. A complete list of all materials used, stored, or produced on-site during facility operations and methods of disposal of such material shall be submitted.
  - H. Such other information as deemed necessary by the Planning

Commission and Board of Supervisors to evaluate the proposed adaptive reuse.

13.19.4 The Zoning Officer shall not issue a zoning permit until conditional use status has been approved by the Township Board of Supervisors.

13.19.5 All structural renovations shall be done in compliance with the Pennsylvania Uniform Construction Code and all required permits shall be acquired by the applicant or property owner.

13.19.6 No expansion of a private on-lot septic disposal system or addition of a private well shall be commenced prior to the submittal of utility impact report and a favorable review of said report by the Township Engineer.

13.19.7 A User's Agreement setting forth conditions of operation as agreed upon by the applicants/property owner and the Board of Supervisors, shall be signed and executed by the Township.

## **13.20 USES BY SPECIAL EXCEPTION**

*Where the Board of Supervisors, in this Ordinance, has stated special exception to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S., §10101 et seq. A special exception shall not be granted by the Zoning Hearing Board unless and until:*

- 13.20.1 A written application for a special exception is submitted demonstrating that the development:
- A. Will not endanger the public health or safety if located where proposed and that the use will not generate nuisance conditions such as traffic congestion, noise, dust, glare or vibrations;
  - B. Will not cause substantial injury to the value of other property in the neighborhood where it is to be located;

North Buffalo Township  
Zoning Ordinance

- C. Meets all requirements of this Ordinance in the zoning district where the use is proposed;
  - D. Is in general conformity with the Comprehensive Plan for North Buffalo Township and in harmony with the area in which it is proposed.
- 13.20.2 The developer shall submit drawings to the Zoning Hearing Board indicating the boundaries of the property, location of adjacent streets, the location and height of proposed building on the property with dimensions from property lines, access to the property and the location and number of proposed parking spaces.
- 13.20.3 The public hearing shall be held in accordance with the provisions of Article XVI.
- 13.20.4 The Zoning Hearing Board, before it grants a special exception, shall make findings of fact and state its reasons for granting the special exception. The Zoning Hearing Board shall have the authority to require and approve specific plans, to increase the requirements set forth in this Ordinance, but in no case shall the Zoning Hearing Board have the authority to decrease the requirements of this Ordinance for any use in the district it proposes to locate. Any such decrease in the requirements of this Ordinance shall only be granted upon the issuance of a variance.
- 13.20.5 All conditions required by the Zoning Hearing Board shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of special exception.

**13.21 AGRICULTURAL OPERATIONS**

Use by Special Exception in NC Zoning District:

- 13.21.1 Accessory structures including but not limited to, livestock pens, barns, silos and chicken coops shall be located at least one hundred (100) feet from the

closest lot boundary line of a principal use in the Neighborhood Commercial District.

13.21.2 Land used for agricultural operations in this district shall exhibit appropriate soil characteristics for the type of farming proposed.

13.21.3 Tracts of land identified with Armstrong County as included in an Agricultural Security Area shall not require verification of soil.

### **13.22 SINGLE-FAMILY DWELLINGS**

Use by Special Exception in the NC and L1 Zoning Districts.

13.22.1 Minimum required yards may be reduced by fifty (50) percent in the L1 Light Industrial District.

13.22.2 The private access driveway to a lot proposed for single family residential use shall be separated from the main entrance to a principal use in the Neighborhood Commercial District by a minimum distance of one hundred fifty (150) linear feet, centerline to centerline.

### **13.23 TEMPORARY SECOND DWELLING**

Use by Special Exception in the AR, R-1 and NC Zoning Districts.

13.23.1 Such dwelling shall be a mobile home and may be placed only on a property with a minimum area of two (2) acres, already accommodating a single-family detached dwelling.

13.23.2 The second dwelling shall be occupied only by immediate relatives of the family living in the existing dwelling.

13.23.3 The Zoning Hearing Board shall determine that a hardship exists involving the relatives which cannot be resolved by housing provided elsewhere.

North Buffalo Township  
Zoning Ordinance

- 13.23.4 If the Board grants permission, it shall direct the Zoning Officer to verify annually, on the date of the original approval, that the conditions of occupancy have not changed.
- 13.23.5 When the hardship no longer exists, as determined by the Zoning Officer, the lot owner shall have the second dwelling removed from the site within six (6) months of the date of determination and such dwelling shall not be occupied on the site for any other use or by any party.
- 13.23.6 Sewage facilities shall be in accordance with the rules and regulations contained in the Pennsylvania Sewage Facilities Act No. 537 or latest Township revision.
- 13.23.7 Land development approval through Armstrong County, as per the provisions of the Armstrong County Subdivision and Land Development Ordinance, shall be received prior to Township approval.

**13.24 BILLBOARDS**

Billboards are a conditional use in the AR, R-1 and R-2 Districts. Illuminated billboards are a conditional use in all districts. (See Section 14.2)

## ARTICLE XIV

### SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

#### 14.1 SIGNS IN RESIDENTIAL DISTRICTS

The following types and sizes of signs and no other shall be permitted in Residential Districts.

- 14.1.1 Free-standing signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker may be erected and maintained, provided:
- 14.1.2 The size of such sign is not in excess of six (6) square feet; and
- 14.1.3 Not more than one (1) sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected, one on each frontage.
- 14.1.4 One sign belonging to contractors and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
  - A. The size thereof for each sign is not in excess of six (6) square feet; and
  - B. No more than three (3) such signs are placed on any one lot; and
  - C. Such signs are removed promptly upon completion of the work.
- 14.1.5 Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two (2) square feet.
- 14.1.6 Signs of schools, colleges, churches, hospitals or other public or private

institutions of a similar nature may be erected and maintained, on their premises provided:

- A. The size of any such free-standing sign is not in excess of twenty (20) square feet per acre of land developed not to exceed one hundred (100) square feet in area. Mounted signs are not to exceed fifty (50) square feet in area.
- B. Not more than one (1) sign is placed on a property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected one on each frontage.

14.1.7 Signs advertising home occupations shall not be in excess of five (5) square feet, bearing the name and occupation (words only and not illuminated) of the practitioner and mounted to the face of the structure providing the main access to the dwelling.

14.1.8 Signs advertising the sale of farm products when permitted by this Ordinance, provided:

- A. The size of any such sign is not in excess of six (6) square feet;
- B. Only one (1) free-standing and one (1) building mounted sign are erected.
- C. The signs shall be displayed only during such seasons as products are on sale.

14.1.9 Signs of a political nature may be erected on real estate by the owner or owners of that real estate prior to the election. No such signs shall be permitted at any time upon public lands.

14.1.10 Signs which identify the meeting place of nonprofit or service organizations shall comply with the provisions of this Article.

## **14.2 BILLBOARD OR OFF-SITE ADVERTISING SIGNS**

Billboards or advertising sign boards may be erected and maintained in transportation corridors within commercial and industrial districts. All such signs shall be controlled by the Outdoor

North Buffalo Township  
Zoning Ordinance

Advertising Act and Highway Beautification Act if erected contiguous to a Commonwealth or federal right-of-way.

- 14.2.1 Billboards shall be a permitted use in the Light Industrial and Neighborhood Commercial Districts, and conditional uses in all other districts.
- 14.2.2 Billboards shall be subject to all general regulations related to signs, and to all regulations related to free-standing signs, except as modified and/or expanded by this section.
- 14.2.3 The lighting of new or lighting or relighting of existing billboards, whether from and internal or external lighting source, is a conditional use, which shall be granted when the Municipality is satisfied that the excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
- A. Externally illuminated billboards shall have luminaries mounted at the top of the billboard and aimed downward. The luminaries shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Municipality that equal or superior results with respect to glare, light trespass and light pollution control can be achieved by the use of an alternate source.
  - B. At no point on the face of the billboard and at no time shall the illumination exceed thirty (30) vertical foot-candles during hours of darkness.
  - C. All messages on internally illuminated billboards shall have a dark field and light message. The aggregate output of the light sources shall not exceed five-hundred (500) initial lamp lumens per square foot of sign face per side.
  - D. The illumination of billboards whose illuminated surface is visible from a residential use within seven hundred fifty (750) feet of it shall not be permitted.
  - E. Illuminated billboards shall be equipped with, and shall be extinguished automatically by a programmable controller, with



astronomical and semiannual time-change control and spring or battery power-outage reset, by no later than 10:30 p.m. Each evening until 6:30 a.m. if said billboard is visible from an occupied residential structure which is one thousand (1,000) feet or less from said billboard.

- F. Rotating, traveling, pulsing, flashing or oscillating internal or external light sources or displays, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- G. Billboards lighted internally, whether LED (Light Emitting Diode), solid-state, digital or any other technology which allows for the changing of messages shall be static, shall be extinguished between the hours of 10:30 p.m. and 6:30 a.m., and shall not be located within eight hundred (800) feet of an approaching traffic signal, not within two hundred (200) feet of another such internally lighted billboard. Except for time and weather messages, the message shall not be permitted to change more than once per half hour, and such transitions shall occur within one (1) second and shall not utilize blending of the static messages. During hours of darkness, the LED or other internal output shall automatically be reduced to a brightness level that is five (5) percent of its daylight luminance setting. The billboard nighttime brightness shall be capable of being further dimmed if the Municipality requires a reduction in brightness when the lighting is judged to create a nuisance or hazard. In addition, the municipality may require that the said billboard be extinguished temporarily in the interest of public safety if it is located adjacent to, or visible from, a construction zone or a temporary traffic control device.

14.2.4 The maximum size for any billboard shall be ten (10) feet six (6) inches by thirty (30) feet.

14.2.5 The Municipality may require additional requirements for illuminated signs be met as a condition of the permit in the interest of public safety and to avoid glare, light trespass and nuisance.

### **14.3 BUSINESS IDENTIFICATION SIGNS**

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts. The size of free-standing business identification signs shall not exceed twenty (20) square feet per acre not to exceed one hundred fifty (150) square feet and building mounted signs shall not exceed two (2) square feet per lineal foot of the structure displaying such sign, not to exceed one hundred (100) square feet or ten (10) percent of the total surface area of the wall on which the sign is displayed, whichever is less.

### **14.4 GENERAL REGULATIONS FOR ALL SIGNS**

The following regulations shall apply to all permitted sign uses:

- 14.4.1 Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.
- 14.4.2 No sign shall be placed in such a position that it will cause danger to traffic on a street by obstructing the view at points of access.
- 14.4.3 No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the municipal governing body for a special purpose.
- 14.4.4 No sign shall project over a public sidewalk.
- 14.4.5 No sign permit shall be required for the erection, alteration or maintenance of any conforming signs permitted in residential districts.
- 14.4.6 A permit shall be required for the erection or alteration of Billboards or Advertising Sign Boards, and Business Identification Signs. The fee for such permits shall be established by the Board of Supervisors.
- 14.4.7 Each sign shall be removed when the circumstances leading to its erection

North Buffalo Township  
Zoning Ordinance

no longer applies.

14.4.8 In all districts only those signs, billboards, advertising signboards, and business identification signs referring direction to materials or products made, sold, or displayed on the premises shall be permitted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.

14.4.9 No flashing or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location or movement that may interfere with traffic lights, signals, or other controls shall not be permitted in any district.

## ARTICLE XV

### OFF-STREET PARKING, LOADING AND UNLOADING

#### 15.1 GENERAL REGULATIONS

- 15.1.1 Off-street parking, loading and unloading facilities shall be provided to lessen congestion in public streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein the term “parking space” includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- 15.1.2 Each parking space shall consist of not less than one hundred eighty (180) square feet of usable area for each motor vehicle, excluding interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall not be less than nine (9) feet wide and twenty (20) feet long. Outdoor parking spaces, and the approaches thereto, shall be paved, or covered with a dustless compacted surface. Such outdoor parking space shall be deemed to be part of the open space of the lot on which it is located.
- 15.1.3 A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- 15.1.4 Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement, approved by the municipal solicitor and accepted by the Board of Supervisors, shall be filed with the application for a

zoning/building permit.

- 15.1.5 Surfacing: Any off-street parking area shall be graded for proper drainage and shall be provided with durable and dustless surface, and shall be so arranged as to provide for orderly and safe parking and storage of all vehicles.
- 15.1.6 Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any “R” District. Lighting for use by residential property owners shall be aimed downward to illuminate individual driveways or parking spaces.
- 15.1.7 There shall be adequate provision for ingress and egress to all parking and loading spaces. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder.
- 15.1.8 All buildings and structures erected and all uses of land established after the adoption of this section shall be provided with off-street parking spaces as set forth in this section.
- 15.1.9 The provisions of this section, except where there is a charge of use, shall not apply to any existing building or structure.
- 15.1.10 Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of fifty (50) percent or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.

- 15.1.11 Off-street parking facilities in existence on the effective date of this section and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.

## 15.2 PARKING FACILITIES REQUIRED

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any outdoor storage area hereafter used for commercial purposes, shall be provided with not less than the minimum number of parking spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

- 15.2.1 Residential Parking:
- A. All dwelling units shall be provided with a minimum of two (2) off-street parking spaces, including those units in Planned Residential Developments. Parking on public streets in PRD's is prohibited.
  - B. For the purpose of this Ordinance in Residential Districts an attached or unattached garage on the premises may be considered as parking space.
- 15.2.2 Commercial Parking: The following regulations shall be applied to retail, office and highway services hereafter erected:
- A. Business offices: One (1) space for each three hundred (300) square feet of gross floor area.
  - B. Commercial Recreation: At least one (1) parking space for each two (2) persons who can be accommodated at maximum utilization.
  - C. Drive-in restaurants: One (1) space per each seventy-five (75) square feet of gross floor area plus one (1) space for each two (2) persons employed on largest shift. Under no conditions will parking on the public right-of-way be permitted.
  - D. Light industrial uses: One (1) space for per four hundred (400) square feet of gross floor area or one (1) space per employee on largest shift, whichever is greatest.
  - E. Hospital and clinics: At least one (1) parking space for each three (3)

North Buffalo Township  
Zoning Ordinance

- beds plus one (1) space for each two (2) staff persons on the largest shift, plus visitor parking at one (1) space per six (6) beds.
- F. Mortuaries and funeral homes: At least one (1) parking space for every four (4) persons who can be seated at one time. Such spaces shall be in addition to a service area for vehicles such as hearses and ambulances.
  - G. Office building: At least one (1) parking space for each three hundred fifty (350) square feet of gross floor area.
  - H. Offices for professional services, including, but not limited to physicians, lawyers, architects, dentists, engineers, realtors, surveyors, insurance agents and similar professionals; and offices identical to uses permitted in the district: One (1) space per one hundred (100) square feet of usable floor area, with a minimum of four (4) spaces , plus one (1) space for each employee.
  - I. Automobile and gasoline service stations: At least one (1) parking space for each two hundred (200) square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities. This shall be in addition to the space allocated for the normal storage of motor vehicles. In no event shall parking be permitted in the public right-of-way. In the case of service stations, a minimum of six (6) spaces other than those designated for pump island access are required.
  - J. Restaurants including taverns: One (1) vehicle space for each one-hundred fifty (150) square feet of gross floor area plus one (1) space for each two (2) employees on largest shift.
  - K. Retail stores and other places for trade or business: One (1) vehicle space for each three hundred (300) square feet of gross floor area.
  - L. Self-storage facilities: Four (4) spaces per one thousand (1,000) square feet of net floor area of office space associated with the use, plus one (1) space per employee, and/or two (2) spaces for a resident manager.
  - M. Specialty retail buildings: At least one (1) parking space for each four hundred (400) square feet of gross floor area, or fraction thereof, except when otherwise authorized as a variance consistent with the ratios set forth herein for comparable buildings.
  - N. Theaters, auditorium, churches, schools, stadiums or any other place of public or private assembly. At least one (1) parking space for each

four (4) seats provided for public or private assembly.

- 15.2.3 Light Industrial or Neighborhood Commercial Parking: Off-street parking shall be provided on the premises in accordance with the following schedule:
- A. Industrial and manufacturing establishments: One (1) vehicle parking space for each two (2) employees on the combined major and next largest shift.
  - B. Truck terminals and wholesale warehouses: One (1) parking space for each two (2) employees on the combined major and next largest shift.
  - C. Auxiliary Office Use: Space shall be provided in addition to the above parking requirements at a ratio of one (1) space per each three hundred fifty (350) square feet of gross floor area denoted to said use.
  - D. Parking prohibited: Parking shall not be permitted on the public rights-of-way.

- 15.2.4 Loading and Unloading Space:
- A. In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street area for loading and unloading of vehicles. The minimum size loading space shall be sixty-five (65) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
  - B. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way be used for loading or unloading of materials.



## **ARTICLE XVI**

### **ZONING HEARING BOARD**

#### **16.1 CREATION AND APPOINTMENT**

A Zoning Hearing Board is hereby created. The membership of said Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three (3) years after the expiration of the initial term; said initial term shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office or be appointed to any other board or commission in the Township.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. Alternates shall serve three (3) year terms and shall be entitled to participate in all proceedings and discussions and to cast a vote if designated as a voting alternate member. Alternates shall hold no other office or be appointed to any other board or commission in the Township.

#### **16.2 REMOVAL OF MEMBERS**

Any Zoning Hearing Board member or alternate may be removed for malfeasance, misfeasance or misfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

#### **16.3 ORGANIZATIONAL OF ZONING HEARING BOARD**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, and alternates if appointed, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania

Municipalities Planning Code, Act 247, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and law of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Supervisors once a year.

#### **16.4 JURISDICTION**

- 16.4.1 The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning and Codes Officer in the administration of this Ordinance.
- 16.4.2 The Zoning Hearing Board shall hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- 16.4.3 The Zoning Hearing Board shall hear requests for variances from the requirements of this Ordinance where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:
- A. That there are unique physical circumstances or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
  - B. That because such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - C. The unnecessary hardship has not been created by the appellant;
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

North Buffalo Township  
Zoning Ordinance

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

16.4.4 The Zoning Hearing Board shall hear and decide requests for Special Exceptions in those cases where this Ordinance indicates a Special Exception may be granted subject to compliance with the standards and criteria prescribed. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

16.4.5 The Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this Ordinance filed by a landowner. The Board may further make findings of fact relative to the challenge, and cause to be made a record or transcript, which may serve as the basis for further action. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

16.4.6 The Zoning Hearing Board shall hear challenges of validity raising procedural questions or alleged defect in the enactment process if filed within thirty (30) days after the effective date of said ordinance or amendment.

16.4.7 Appeals from the determination of the Municipal Engineer or Zoning and Codes Officer with reference to the administration of the Flood Plain Ordinance shall be heard by the Zoning Hearing Board. Is Repealed

16.4.8 Appeals from the determination of any officer or agency charged with the administration of transfers of development rights or density provisions shall be heard by the Zoning Hearing Board.

- 16.4.9 Appeals from the determination of the Zoning and Codes Officer or Municipal Engineer involving stormwater management or erosion and sedimentation control measures shall be heard by the Zoning Hearing Board relative to development other than subdivision or Planned Residential Development applications.

## **16.5 GENERAL PROCEDURES**

- 16.5.1 The Board shall conduct public hearings following publication of notice of said hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the municipality. Public notice shall be made as defined in Article III. In addition, written notice shall be provided to the applicant before the Board and other persons so designated by the Board. Written notice shall also be posted conspicuously on the subject property not less than seven (7) days prior to the date of the public hearing.
- 16.5.2 The first hearing shall be commenced within sixty (60) days from the date of receipt of the application unless the applicant has agreed to an extension of time. The applicant shall complete his case-in-chief within one hundred (100) days of the first hearing and person's opposed must also complete their presentation within one hundred (100) days. Upon request the applicant shall be assured seven (7) hours of hearings. Both parties may be granted addition hearings upon request.
- 16.5.3 Fees for said hearings may include compensation for the administrative overhead costs connected with the hearing. Costs for legal expenses, engineering and technical consultants or expert witnesses shall not be included.
- 16.5.4 Within the funding limits established by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board and designated alternates mat receive compensation for the performance of their duties, but in no case shall it exceed the rate of compensation of the Board of

Supervisors.

- 16.5.5 The Board or Hearing Officer if so, designated shall keep a stenographic record of the proceedings. The appearance fee for the stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if ordered by the applicant and the Board. The cost of the original transcript shall be paid by the Board if ordered by the Board or Hearing Officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made. In other cases, the party requesting the original transcript shall bear the cost.
- 16.5.6 The Board or Hearing Officer if so, designated shall render a written decision or make written findings, forty-five (45) days after the last hearing. When the application is contested or denied, the decision shall include persons and conclusions based on findings of fact and reference specific provision relied on.
- 16.5.7 A copy of the final decision or of the findings shall be delivered to the following applicant personally or mailed to him not later than the day following the date of the decision.
- 16.5.8 Where the Board fails to render a decision within the period required by this Article or fails to hold the required hearing within sixty (60) days from the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
- 16.5.9 When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or to render a timely decision, the Board shall give public notice, as defined in Article III, of said deemed approval within ten (10) days of the last day it could have met to render a decision. If the Board fails to provide such notice, the applicant may do so.

## **16.6 MEDIATION**

16.6.1 Parties before the Board may utilize mediation as an aid in completing such proceedings. Mediation shall supplement, not replace those procedures outlined in this Article and shall not be interpreted as expanding or limiting municipal police powers. Participation shall be voluntary and be determined by the willingness of the parties to negotiate. Terms and conditions of mediation are as follows:

- A. Parties must establish a method of funding of the mediation;
- B. The selected mediator shall have a working knowledge of Municipal Zoning and Subdivision procedures and demonstrate skills in mediation;
- C. A time limit for completion or for suspending mediation must be agreed upon;
- D. Suspension of time limits otherwise authorized by this Article, provided there is written consent by the mediating parties and by the applicant or municipal decision-making body if either is not a party to the mediation, may be agreed upon;
- E. All parties must be identified and afforded an opportunity to participate;
- F. Subject to legal restraints parties shall determine whether some or all mediation sessions are open or closed to the public;
- G. Mediation solutions shall be in writing, signed by participating parties and become subject to review and approval by the Zoning Hearing Board pursuant to procedures set forth in this Article;
- H. No offers or statements made in other than the final written mediated agreement shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## **16.7 VARIANCE**

16.7.1 The landowner shall file a request for variance with the Zoning and Codes

North Buffalo Township  
Zoning Ordinance

Officer along with all maps, plans and text which may be relevant to the request. Said request shall be accompanied by a fee specified by the Board of Supervisors pursuant to the provisions of this Article.

16.7.2 The Zoning and Codes Officer shall transmit the request and any information received therewith, along with his file on said issue to the Zoning Hearing Board.

16.7.3 Upon receipt of a request for variance the Board shall establish a time and place to hear said request within sixty (60) days.

16.7.4 The Board shall render a decision and inform the applicant of said decision as outlined in this Article.

**16.8 APPEAL OF ZONING AND CODES OFFICER'S DECISION**

Appeals arising from the Zoning and Codes Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as outlined in this Article.

**16.9 SPECIAL EXCEPTION**

16.9.1 The landowner shall file a request for the granting of a Special Exception, where such use is permitted, along with all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the Zoning and Codes Officer. Said request shall be accompanied by a fee specified by the Board of Supervisors pursuant to the provision of this Article.

16.9.2 The Zoning and Codes Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.

16.9.3 The Zoning Hearing Board shall schedule a public hearing with public notice within sixty (60) days of said request.

16.9.4 Pursuant to the provisions of this Article, the Board shall render a decision and inform the applicant of said decision unless by mutual consent of the Board and the applicant it is agreed to continue the proceedings.

**16.10 TIME LIMITATIONS**

Any person aggravated by the rendering of a decision by the Zoning and Codes Officer or Zoning Hearing Board shall have thirty (30) days from the date of said decision in which to file an appeal or request for review if such appeal is designed to secure reversal or to limit the approval in any manner unless such person proves that he had no notice or knowledge of such decision.

**16.11 APPEALS**

Appeals from a decision or from the findings of the Zoning Hearing Board shall be filed in the manner prescribed by Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.



## **ARTICLE XVII**

### **NONCONFORMANCE**

#### **17.1 PURPOSE**

The Zoning Districts established by the ordinance are designed to guide future use of land in the Township by encouraging the development of desirable residential, commercial and industrial areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

- 17.1.1 Lawful existing uses which would be prohibited or restricted under the terms of this ordinance, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located, are subject to certain limitations. The regulations set forth herein are intended to provide a gradual remedy for the inconsistent conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and reestablished in more suitable locations within the Township.
- 17.1.2 Buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, width of lot, coverage, or height, and signs which do not comply with requirements as to size, area, height, location, or lighting, are deemed to be nonconforming.
- 17.1.3 Nonconforming uses and structures will be permitted to remain; the purpose of regulating them is to restrict any further investment in uses or structures which are inappropriate to their locations.
- 17.1.4 To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or intended use of any building for which a building permit was applied, prior to the effective date, or amendment, of this ordinance.

## **17.2 LOTS OF RECORD NOT MEETING LOT AREA REQUIREMENTS**

Nothing in the zoning district regulations shall be held to prohibit the erection of a principal building or other accessory structures located on the same lot as a principal building in a zoning district, upon a lot or record whose size is inadequate to meet the lot area regulations set for the district, provided that it has the right of direct access to a public street, and its use complies with all other zoning regulations and lot area, yard and height regulations.

## **17.3 RESTORATION**

A nonconforming building which has been damaged or destroyed by fire, or other cause, or a nonconforming building which has been legally condemned, may be reconstructed and used for the same nonconforming use PROVIDED that:

- 17.3.1 The reconstructed building shall not exceed in height, area, and volume, the building destroyed or condemned;
- 17.3.2 Building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned, and shall be carried on without interruption.

## **17.4 DISCONTINUANCE OF USE**

If an owner of a building or land which is occupied by a nonconforming use desires to discontinue such use for an extended period of time but intends to resume such use at a later date, he shall apply to the Township Board of Supervisors in writing for a Certificate of Continuance, stating the reasons for and duration of the discontinuance and the date upon which such use will be resumed. Certificates shall be granted for periods of six (6) months or more and if no certification has been granted, subsequent use of such building or land shall be in conformity with the provisions of this ordinance, unless the Township Board of Supervisors shall authorize as a conditional use the resumption of the discontinued use. If a certificate and renewal are granted and nonconforming use is not resumed, the subsequent use shall be in conformity.

### **17.5 ABANDONMENT**

Any nonconforming use and structure or group of structures in combination which remain in a state of abandonment for a period of eighteen (18) months must be removed by the property owner at his own expense. Upon due notice, if the owner fails to do so within an additional six (6) months, the Township shall order the work done and take legal action to secure payment for the demolition from the property owner.

### **17.6 CONTINUATION OF NONCONFORMING USE**

Any nonconforming use, which has been carried on continuously, openly, and known to the general public in a manner which does not comply with the applicable provisions of this Zoning Ordinance, as hereafter amended, may be continued.

### **17.7 EXPANSION OF NONCONFORMING USE**

A nonconforming use may be expanded following review and approval by the Zoning Hearing Board provided that:

- 17.7.1 Any such expansion shall comply with the zoning ordinance requirements otherwise applicable in the district in which the nonconforming use is located; and
- 17.7.2 With respect to an expansion involving an addition to an existing building or structure, or the construction of new building or structure, the gross floor area of all such additions or new construction shall, in the aggregate, be no more than twenty-five (25) percent of the gross floor area of the buildings and structures occupied by the nonconforming use; and
- 17.7.3 The cost of such expansion shall not exceed fifty (50) percent of the assessed value of the land and improvements occupied by the nonconforming use.

## **ARTICLE XVIII**

### **AMENDMENTS**

#### **18.1 AMENDEMENTS**

The Zoning Ordinance may be amended from time to time as deemed necessary for the public welfare or convenience, in compliance with provision of Article VI, Section 609 and Section 609.1 of Act 247, as amended, known and cited as the “Pennsylvania Municipalities Planning Code.”

- 18.1.1           Enactment of the amendment: An amendment to this Ordinance may be initiated by the Board of Supervisors or the Planning Commission, or an owner of land within the municipal boundaries of North Buffalo Township. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment prepared by other than the Planning Commission, the Board of Supervisors shall submit said amendment to the Planning Commission for recommendations, at least thirty (30) days prior to the public hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. Thirty (30) days prior to the public hearing held by the Board of Supervisors, the Township Planning Commission shall submit the proposed amendment to the Armstrong County Planning Commission for recommendations.
- 18.1.2           Procedure for landowner curative amendment: A landowner who desires to challenge on substantive grounds the validity of this Ordinance, the Zoning Map attached and made a part hereof, of any provision hereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment or amendments be heard and decided in the manner prescribed by Act 247, the “Pennsylvania Municipalities Planning Code” Article VI and all amendments thereto.

North Buffalo Township  
Zoning Ordinance

- A. The landowner shall make a written request that his challenge and proposed amendment be heard. The request shall contain a short statement reasonably informing the Board of Supervisors of the matters that are in issue and the grounds for the challenge.
- B. Such request may be submitted at any time but if an application for a permit or approval is denied under this Ordinance the request shall be made not later than thirty (30) days after notification of such denial. In such case, if the landowner elects to make the request to the Board of Supervisors and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin until the request is finally disposed of.
- C. The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner. Such plans and other material may be general in nature, but should provide a sufficient base for evaluating the challenge.
- D. If North Buffalo Township does not accept a landowner's curative amendment brought in accordance with this subsection and court subsequently rules the challenge has merit, the court's decision shall not result in declaration of invalidity for the entire zoning ordinance and map, but only those provisions relating to the landowner's challenge.

18.1.3 Public Hearing

- A. Upon petition the Board of Supervisors shall hold a hearing thereon within sixty (60) days of the filing of the request.
- B. At least thirty (30) days prior to the hearing the Board of Supervisors shall refer the proposed amendment to the Township Planning Commission and the Armstrong County Planning Commission for recommendations.
- C. The public notices of the hearing shall, in addition to the requirements for advertisement for any amendment, indicate that the validity of this Ordinance or Zoning Map is in question and shall indicate the place and times when a copy of the landowner's request, including all plans submitted and the proposed amendment(s) may be examined by the public.
- D. The public hearing shall be conducted within the following

guidelines:

- (1) The Chairman or acting Chairman of the Board of Supervisors 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.
  - (2) The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witness on all relevant issues.
  - (3) Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.
  - (4) The Board of Supervisors shall keep a stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.
  - (5) The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memorandum, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
- E. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.
- F. Procedure for rendering formal action: Upon completion of the hearing, the Board of Supervisors shall render a decision and communicate said decision to all parties within thirty (30) days.
- G. Approval of the amendment shall be granted by formal affirmation vote at a regular or special meeting of the Board of Supervisors.
- H. The landowner's request shall be considered denied when:
- (1) The Board of Supervisors notifies the landowner that it will

- not adopt the amendment.
- (2) The Board of Supervisors adopts another amendment which is unacceptable to the landowner.
- (3) The Board of Supervisors fails to act on the landowner's request within thirty (30) days of close of the last hearing, unless time is extended by mutual consent of the landowner and Board of Supervisors

## **18.2 PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENT**

If North Buffalo Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following action:

- 18.2.1 North Buffalo Township shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration the governing body shall:
  - 18.2.2 By resolution make specific findings setting forth the invalidity which may include:
    - A. References to specific uses which are not permitted or not permitted in sufficient quantity;
    - B. Reference to a class of use or uses requiring revision;
    - C. References to the entire ordinance which requires revisions.
  - 18.2.3 Begin to prepare and consider a curative amendment to correct the declared invalidity.
    - A. Within one hundred eighty (180) days from the date of the declaration and proposal, North Buffalo Township shall enact a curative amendment to validate or reaffirm the validity of its Zoning Ordinance pursuant to the provisions of Act 247, Pennsylvania Municipalities Planning Code, Article VI and all amendments thereto.
    - B. Upon declaration of invalidity, the Board of Supervisors shall not be

North Buffalo Township  
Zoning Ordinance

required to consider a landowner's curative amendment nor shall the Zoning Hearing Board be required to give a report subsequent to the declaration and proposal to remedy said invalidity.

- C. North Buffalo Township may not again utilize said procedure for a thirty-six (36) month period following the date of enactment of a curative amendment unless a change in statute or a court decision requires such curative amendment.

18.2.4 Public Notice: When a proposed zoning amendment involves the reclassification of land, a minimum of two (2) notices shall be posted on the subject property not less than seven (7) days prior to the date of the required public hearing.

18.2.5 Mediation Option: North Buffalo Township may offer mediation as an aid in completing proceedings outlined in this section pursuant to the provisions of Article XVI, Section 16.6.

18.2.6 Procedure following enactment: Within thirty (30) days following enactment of a Zoning Ordinance amendment, a copy of such amendment shall be forwarded to the Armstrong County Planning Commission.

18.2.7 Appeal: Any action taken or decision rendered under this Article may be appealed by any parties aggrieved by said action or decision under the provision and procedures provided in the Pennsylvania Municipalities Planning Code, Act 247, as amended.



## **ARTICLE XIX**

### **ADMINISTRATION**

#### **19.1 ZONING AND CODES OFFICER**

- 19.1.1        **Appointment:** The Board of Supervisors shall appoint a Zoning and Codes Officer pursuant to the provisions of Section 614 of Act 247, as amended, the Pennsylvania Municipalities Planning Code. Said Zoning and Codes Officer shall be appointed, shall not hold elective office and shall have a working knowledge of zoning and subdivision procedures.
- 19.1.2        **Powers of Duty:** The Zoning and Codes Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit and construction or any use or change of use which does not conform to the requirements of this Ordinance. The Zoning and Codes Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement within the scope of his responsibilities. Within this power, the Zoning and Codes Officer shall have duties as follows:
- A.        The Zoning and Codes Officer shall receive applications for, and issue zoning and sign permits, certificates of use and occupancy and stop-work orders in accordance with the provisions of this Ordinance.
  - B.        The Zoning and Codes Officer shall make all the required inspections or he may, subject to the approval of the Board of Supervisors, engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise.
  - C.        At least annually, the Zoning and Codes Officer shall submit to the Board of Supervisors a written statement of all zoning and sign permits, certificates of use and occupancy issued, and notices and orders issued.
  - D.        An official record shall be kept of all business and activities of the office of the Zoning and Codes Officer specified by provisions of this Zoning Ordinance and all such records shall be open to public inspection at all appropriate times.

## 19.2 PERMITS

- 19.2.1 Requirement of permits: any structure, residential or commercial, one thousand square feet (1000) or greater. A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof, and in addition permits for driveways, road occupancy, and occupancy prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building until a permit has been duly issued thereof.
- 19.2.2 Application of Permits: All applications for permits shall be accompanied by the plans in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance, and all other pertinent ordinances. All applications shall be on a form provided by North Buffalo Township and with accompanying plans and documents shall become a public record after the permit application is issued or denied.
- 19.2.3 Issuance of Permits: No permit shall be issued until the Zoning and Codes Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as with all provisions of an existing or hereafter enacted Building Code, permit ordinance or zoning ordinance amendment. No permit shall be required for independent assembled metal sheds, carports and wood sheds where construction proposed is equal to or less than nine hundred ninety nine (999) square feet, with no permanent foundation and can easily be removed from the premises, whether as accessory structures to the principal structure or as a sole type of construction to be placed on a parcel or tract of land. A

concrete slab shall not be considered a permanent foundation for these types of structures. Accessory structures to the principal structure or as the sole type of structure to be placed on a parcel or tract of land shall require a building permit if one thousand (1000) square feet or greater.

- 19.2.4 Temporary Permits: A temporary permit may be issued by the Zoning and Codes Officer where specifically authorized, or following approval by the Zoning Hearing Board, for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or land and structure in combination or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years. Application to the Zoning and Codes Officer or Zoning Hearing Board for review of said request shall be accomplished by a fee set by the Board of Supervisors.

### 19.3 INSPECTION

- 19.3.1 Inspection by the Township. It shall be the duty of the Zoning and Codes Officer, or a duly appointed representative through the provisions of the Pennsylvania Uniform Construction Code, to make the following minimum number of inspections of property for which a permit has been issued:
- A. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the findings of the Township Representative in regard to conformance of the construction with plans submitted with the application for the building permit.
  - B. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Township Representative, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Township Representative, construction shall proceed.
  - C. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Township Representative in regard to conformance to this

Ordinance; and the opinion of the agent in regard to the issuance of a Certificate of Use Permit.

#### **19.4 CERTIFICATION OF OCCUPANCY**

- 19.4.1 A Certification of Occupancy shall be a statement issued by the Zoning and Codes Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance, or that a building or structure lawfully may be occupied for specified uses under the provisions of this Ordinance, or both.
- 19.4.2 No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Occupancy is issued by the Zoning and Codes Officer or duly authorized representative of North Buffalo Township.

## **ARTICLE XX**

### **ENFORCEMENT REMEDIES**

#### **20.1 VIOLATIONS**

Failure to comply with any provisions of this Ordinance; failure to secure a zoning permit, or Certification of Occupancy, when required, previous to or following the erection, construction, extension or addition to a conforming or nonconforming building; or the extension or change of the conforming or nonconforming use of land; or failure to secure a Certification of Use permit, shall be considered violations of this Ordinance.

- 20.1.1 Notice of Violation: When written notice of a violation of any of the provisions of this Ordinance has been mailed certified, return receipt requested, by the Zoning and Codes Officer to the Owner, agent or occupant, contractor or builder involved, such violation shall be discontinued immediately and corrective action designed to remedy the identified violation shall commence within the time specified in said notice.
- 20.1.2 The notice of violation for the purpose of enforcement of the provisions of this Ordinance shall consist of the following:
- A. The name of the owner of record and any other person against whom the municipality intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation describing requirements not met and the applicable provisions of the ordinance violated.
  - D. Dates for commencement of compliance activity and dates by which compliance must be achieved.
  - E. That the recipient of the violation notice had the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in Article XVI.
  - F. That failure to comply within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible penalties resulting.

## **20.2 PENALTIES**

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance enacted under the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall, upon conviction thereof in a civil enforcement proceeding, be sentenced to pay a judgment of not more than five-hundred dollars (\$500.00) plus all court costs including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall be commenced or be imposed or payable until the determination of a violation by the District Justice. If the defendant neither pays nor appeals in timely fashion, the judgment impose, North Buffalo Township may enforce the judgment pursuant to rules of civil procedure. Each day that a violation is continued shall constitute a single and separate offense, and damages shall accrue on a per day basis beginning with the sixth (6<sup>th</sup>) day that a violation is in continuance. All fines collected for the violation of this Zoning Ordinance shall be paid over to the Board of Supervisors and deposited in the General Fund.

## **20.3 REMEDIES**

In cases any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of this Ordinance, or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

## **ARTICLE XXI**

### **VALIDITY AND INTERPRETATION**

#### **21.1 VALIDITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

#### **21.2 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Municipality. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Municipality provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of the building, or a requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this Ordinance shall control.

#### **21.3 REPEALER**

All ordinances, ordinance amendments or parts of ordinance inconsistent herewith are hereby repealed.

#### **21.4 FEES**

Minimum fees are to be paid in advance for building/zoning permits, conditional use applications, certificates of occupancy, special exception applications, variance applications, request for interpretations and zoning changes or amendments, and shall be set by resolution by the Board of Supervisors.

## ARTICLE XXII

### ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the North Buffalo Township Board of Supervisors.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### BOARD OF SUPERVISORS OF THE TOWNSHIP OF NORTH BUFFALO

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

\_\_\_\_\_  
Secretary