

## Chapter 360

### ZONING

#### GENERAL REFERENCES

Planning Commission — See Ch. 46.  
Adult bookstores — See Ch. 90.  
Agricultural operations — See Ch. 98.  
Uniform construction codes — See Ch. 155.  
Junkyards and junk dealers — See Ch. 222.  
Streets and sidewalks — See Ch. 311.  
Subdivision and land development — See Ch. 320.

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#### ARTICLE I

#### Title, Authority, Purpose, Community Development Objectives

##### § 360-1. Short title.

An ordinance amending the Rye Township Zoning Ordinance 03-01 by providing the changes identified herein; this chapter shall be known as and may be cited as the "Rye Township Zoning Ordinance."

##### § 360-2. Statutory authority.

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as reenacted and amended. *Editor's Note: See 53 P.S. § 10101 et seq.*

##### § 360-3. Purpose.

This chapter is enacted for the following purposes:

- A. To be in accordance with the Rye Township Comprehensive Plan, as amended, including the purpose and objectives of such plan, as stated therein;
- B. To promote, protect and facilitate one or more of the following the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, the preservation of agricultural lands; as well as
- C. To prevent one or more of the following overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic or other dangers. This chapter is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

#### **§ 360-4. Community development objectives.**

This chapter is to render a legal basis and framework to the future land use plan and development goals established in the Comprehensive Plan prepared by the Rye Township Planning Commission and adopted by the Rye Township Board of Supervisors. The objectives guiding future growth and improvement of existing development within the Township are to promote the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; maintain a healthful residential environment with adequate recreational, commercial and industrial supporting areas; protect and conserve open spaces, drainageways, and floodplains; and, in general, avoid the problems of random development inconsistent with Township-wide goals and objectives. This chapter is found to be in accordance with the spirit and intent of the formally adopted goals and objectives of the Rye Township Comprehensive Plan.

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## **ARTICLE II Terminology**

#### **§ 360-5. Purpose.**

The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

#### **§ 360-6. Interpretation.**

For the purpose of this chapter, certain words, phrases and terms are herewith defined as follows: Words used in the present tense include the future. The singular number includes the plural number, and words in the plural number include the singular number. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "zone" includes the word "district"; the word "occupied" includes the word "designed" and the phrase "intended to be occupied"; the word "use" includes the words "arranged," "designed" and the phrase "intended to be used"; and the word "shall" is always mandatory.

#### **§ 360-7. Words not included in definitions.**

Any words not included in the following definitions will be defined as described in the latest edition of Webster's Abridged Dictionary.

#### **§ 360-8. Definitions.**

The following is a list of definitions:

## ABANDONED SIGNS

- A. A sign that has remained without bona fide advertising for a period of six months, and for which the sign owner has not made application for a current permit as provided below, or that is without a current lease or license from the landowner, or as to which the sign owner has ceased to attempt to lease the advertising space; or
- B. A sign that requires maintenance or repair in excess of 25% of the replacement cost of the sign as determined by the Zoning Officer after consultation with the sign owner, if the sign owner can be identified from the permit previously issued for such sign.

**ABANDONMENT** — The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCELERATED EROSION** — The removal of surface material by the action of natural elements caused by man's alteration of the landscape.

**ACCESS DRIVE** — A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSIBLE TO THE DEVELOPMENT** — Any area which can be easily approached, entered and used by the citizens of a particular residential development, provided that the area is within six straight line or air miles of the development.

**ACCESSORY BUILDING** — A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or the principal building and located on the same lot with such principal use or principal building.

**ADVERTISING SIGN or POSTER PANEL** — Any structure or part thereof or any device attached to a structure for the painting, posting or otherwise displaying of information for the purpose of bringing to the attention of the public any produce, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

**AGRICULTURE** — The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce,

provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys and the likes for use in medical or other tests or experiments.

**ALLEY (OR SERVICE DRIVE)** — A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

**ALLUVIAL SOILS** — Areas of soils mapped by the most current Cumberland Perry County Soil Survey prepared by the Natural Resource Conservation Service as alluvial soils, including:

Aw: Atkins  
Bb: Barbour  
Bc: Basher  
Ls: Lindside  
Me: Melvin  
Mf: Middlebury  
Tg: Tioga  
Wa: Warners

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

**AMUSEMENT PARK** — A tract or area used principally as a location for permanent amusement structures or rides.

**ANIMAL EQUIVALENT UNIT** — One thousand pounds live weight of livestock, poultry or fowl animals, regardless of the actual number of animals that comprise the unit.

**ANIMAL HOSPITAL** — A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**APARTMENT** — A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apartments and kitchenette apartments. Conversion apartments are not included in this classification.

**APARTMENT, CONVERSION** — A multifamily dwelling constructed by converting an existing dwelling into apartments for more than one family without altering the exterior of the building except as required by state or local building or housing codes or regulations.

**APPLICANT (SEE DEVELOPER AND LANDOWNER)** — A landowner or developer, as hereinafter described, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** — Every preliminary, tentative, or final application for the approval of a subdivision plan or for the approval of a development plan required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit.

**APPOINTING AUTHORITY** — The Board of Supervisors of Rye Township.

**AREAS OF SPECIAL FLOOD HAZARD** — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

**ATTIC** — Accessible space between top of uppermost ceiling and underside of roof. Inaccessible places are considered structural cavities.

**ATTIC ROOM (FINISHED ATTIC)** — Attic space which is finished as living accommodations but which does not qualify as a half story.

**AUTO BODY SHOP** — Any structure or any building or part thereof that is used for the repair or painting of bodies and fenders of motor vehicles.

**AUTOMOBILE SERVICE STATION** — Any area of land, including any structure thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessory for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, minor repairs, or otherwise cleaning or servicing such motor vehicles, but not including major mechanical repairs and auto body shops.

**BALCONY** — An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the above grade living units. When a balcony is roofed and enclosed with operating window, it is considered part of the room it serves.

**BASEMENT** — A story partly underground but having at least one-half 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 feet or if used for business or dwelling purposes, other than a game or recreation room.

**BLOCK** — An area bounded by streets.

**BOARD OF SUPERVISORS (SUPERVISORS)** — The Board of Supervisors of the Township of Rye.

**BUILDING** — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys, including but not limited to all mobile homes and trailers used for human habitation.

**BUILDING COVERAGE** — The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**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.

**BUILDING LINE** — A line parallel to the front street, side, or rear lot line and closest point or appendage on the building set so as to provide the minimum yard requirements in the zoning district in which the lot is located. The lot width shall be measured at the building line.

**BUILDING PERMIT** — A permit issued by Building Inspection Underwriters or other Township approved entity allowing site work and structural improvements to commence in accordance with approved plans, provisions of this ordinance and all applicable codes. A Zoning Permit is approved only after a Building Permit is issued. See "zoning permit."

**BUILDING SETBACK LINE (SETBACK)** — The line within a property defining the required minimum distance between any enclosed structure and the adjacent road, utility, stream or stormwater easements/rights-of-way as well as the property boundary line, and the line defining side and rear yards, where required.

**CAMP** — Any one or more of the following, other than a hospital, place of detention, school offering general instruction, or a trailer camp. Any area of land or water of a design or character used for seasonal, recreational or other similar temporary living purposes that may include any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters. Any land and buildings thereon used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

**CAMPING GROUND** — A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters, but not including mobile home camp, mobile home court, or mobile home park.

**CARPORT** — A roofed space having at least one side open to the weather, primarily designed or used for motor vehicles. This term is usually related to one- and two-family dwellings. In multifamily properties, a garage may have one or more sides open to the weather.

**CARTWAY or ROADWAY** — That portion of a street or alley which is improved, designated or intended for vehicular use, excluding the shoulders.

**CEMETERY**— A burial place for those who have passed away to be interred within a concrete vault, mausoleum, columbarium, casket, or urn, in accordance with all applicable laws or requirements of the Commonwealth of Pennsylvania and Chapter 360 Zoning Ordinance of Rye Township.

**CERTIFICATE OF USE** — A certificate issued by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of building which certified that all requirements and regulations as provided herein and all other applicable requirements have been complied with.

**CHAIRMAN** — The Chairman of the Rye Township Planning Commission.

**CHURCH** — A building used for public worship excluding separate buildings used for residential, educational, burial, recreational, or other uses.

**CLEAR-SIGHT TRIANGLE** — An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

**CLUB** — An association of persons for social, political, athletic or other ends.

**CLUSTER DEVELOPMENT** — A development that blends residences with areas of natural sensitivity, open space and/or public parklands such that the density of the dwelling units may exceed the density otherwise permitted by the district regulations. Cluster developments are

permitted in the Agricultural, R-1, and R-2 Districts in accordance with the general regulations of this chapter.

**COMMERCIAL KEEPING AND HANDLING** — Producing and/or maintaining with the express purpose and intent of selling the product or maintaining a commodity or animal for profit.

**COMMISSION** — The Rye Township Planning Commission.

**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 set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan, as finally approved, and as are appropriate for the recreation of residents.

**COMMUNE** — A collective body of five or more persons unrelated by birth or marriage living communally and sharing in work, earnings, and other pursuits of daily activity.

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

**COMPREHENSIVE PLAN** — A land use and growth management plan prepared by the Township Planning Commission and adopted by the Township Board of Supervisors which establishes broad goals and criteria for land use regulations within the Township.

**CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)** — A concentrated animal operation (CAO) with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR 122.23 (relating to concentrated animal feeding operations).

**CONCENTRATED ANIMAL OPERATION (CAO)** — An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa.C.S.A. Chapter 5 (relating to nutrient management and odor management) and in Chapter 83, Subchapter D (relating to nutrient management).

**CONDITIONAL USE** — A use that is permitted in a particular zoning district pursuant to applicable conditions, standards and criteria expressed in this chapter or otherwise stipulated upon the recommendation of the Planning Commission and upon the approval of the Rye Township Board of Supervisors.

**CONDOMINIUM** — Real estate, portions of which are designated for separate ownership, and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONSTRUCTION SITE** — The total land required for buildings and activities within a unified development before a building permit may be issued.

**COUNTY** — Perry County, Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of Perry County.

COURT —

- A. INNER COURT — An open, outdoor space enclosed on all sides by exterior walls of a building or by exterior walls and property lines on which walls are allowable.
- B. OUTDOOR COURT — An open, outdoor space enclosed on at least two sides by exterior walls of a building or by exterior walls and property lines on which walls are allowable, with one side open to a street, driveway, alley, or yard.

COVERAGE — That percentage of the lot area covered by buildings, including accessory buildings, road and parking areas.

CROSSWALK — A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC — A street with access closed at one end and with a vehicular turnaround at the closed end.

CUT — An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

DENSITY — The average number of persons, families, or dwellings per unit of area (acre, square mile, etc.).

- A. NET RESIDENTIAL DENSITY — Density of the building site.
- B. GROSS RESIDENTIAL DENSITY — Density of the building site plus traversing streets, alleys and drives, open space and 1/2 of bounding streets.

DESIGNATED FLOODPLAIN AREAS — A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation in a one-hundred-year flood, as designated in this chapter, as amended.

DETENTION STRUCTURE — A vegetated pond, swale, or other structure designed to drain completely after storing surface water runoff only for a given storm event and release it at a predetermined rate.

DEVELOPABLE LOT AREA — That portion or area in acres or square feet of a proposed lot which has less than 25% lot slope.

DEVELOPER (SEE APPLICANT AND LANDOWNER) — 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 land development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and the subdivision of land.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plan 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 material referred to in this definition.

**DIAMETER AT BREAST HEIGHT (DBH)** — The diameter of a tree at a height of 4 1/2 feet above the ground, measured on the uphill side.

**DISH ANTENNAS** — Dish antennas consist of three main components: the antenna itself, often called a dish; a low-noise amplifier (LNA); and a receiver. The antenna and the LNA are located outdoors and are connected by coaxial cable to the receiver which is placed indoors.

**DISTRICT** — A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

**DOG KENNEL** — The keeping of four or more dogs for breeding, hunting, boarding or sale, provided that the keeping of litters of puppies not exceeding six months in age shall not constitute a dog kennel.

**DRAINAGE** — The flow of water or liquid waste and the methods of directing such flow.

**DRAINAGE FACILITY** — Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

**DRIVEWAY, COMMON** — An improved access cartway from a public right-of-way serving two residential units or lots; jointly owned and maintained by the adjacent lot owners.

**DRIVEWAY, INDIVIDUAL** — An improved access cartway from a public or private right-of-way between a street and a parking area or garage within a lot or property serving one residential unit or lot; owned and maintained by that lot owner.

**DRIVEWAY PERMIT** — A permit issued by the Driveway Permit Officer, who may be either a township and/or state employee, authorizing the applicant to construct a new driveway or alter an existing driveway in accordance with the provisions of this ordinance and the Subdivision and Land Development Ordinance Chapter 320. The permitting process for driveway modifications and temporary driveways is the same as that for a new driveway.

**DRIVEWAY, PRIVATE** — See "PRIVATE DRIVE" definition.

**DWELLING** — A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently acceptable materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly as a result of frost action. In addition, all dwellings shall be properly connected to approved and permanently designated sewer, water, electric and other utility systems.

**DWELLING, APARTMENT** — A dwelling unit for rent or lease within multiple-family or group buildings providing separate living and sanitary facilities for each family, including provisions for cooking and sleeping. An apartment dwelling may be classified as an efficiency unit where no specific bedroom is provided or it may contain one or more bedrooms. An apartment dwelling specified as "high-rise" consists of eight or more stories in height.

**DWELLING, EARTH-SHELTERED** — Any completed dwelling or structure that was designed to be built partially or wholly underground. A completed building or structure or foundation for a building.

**DWELLING GROUP** — A group of two or more single-family, two-family, or multifamily dwellings.

**DWELLING, MANUFACTURED HOME** — Any structure designed primarily for residential occupancy, except a mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

**DWELLING, MOBILE HOME** — See "mobile home."

**DWELLING, MULTIFAMILY** — A dwelling used by three or more families living independently of each other and doing their own cooking, including apartment houses, and row houses.

**DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSES)** — A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

**DWELLING, SINGLE-FAMILY DETACHED** — A dwelling that is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means, excluding mobile homes.

**DWELLING, SINGLE FAMILY, QUADRUPLEX** — A dwelling used by one family, having one side yard, and two party walls in common with another building, one party wall being a side wall and one being a rear party wall.

**DWELLING, SINGLE-FAMILY, SEMIDETACHED** — A dwelling used by one family, having one side yard, and one party wall common with another dwelling.

**DWELLING, TWO-FAMILY, DETACHED (DUPLEX)** — A dwelling used by two families, with one dwelling unit arranged over the other, and having two side yards.

**DWELLING, TWO-FAMILY, SEMIDETACHED (DOUBLE DUPLEX)** — A dwelling used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

**DWELLING UNIT** — One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family or a single person, and having a minimum total floor area of 750 square feet.

**EARTHMOVING ACTIVITY** — Any construction or other activity which disturbs the surface of the land, including but not limited to excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing, or storing of soil, rock or earth.

**EASEMENT** — A right granted for the use of private land for certain public or quasi-public purposes; also, the land to which such right pertains.

**EASEMENT, UTILITY** — A right-of-way granted for the limited use of land for public or quasi-public purposes.

**ENERGY DISSIPATOR** — A device used to slow the velocity of stormwater, particularly at points of concentrated discharge such as pipe outlets.

**ENGINEERING SPECIFICATIONS** — The engineering specifications of Rye Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

**ENVELOPE OF DISTURBANCE** — The area of permitted site development on a building lot, defined on the plan, in which all primary or secondary improvements, including house, driveway, garage, open lawn, garden, swimming pools, etc., are constructed.

**EROSION** — The removal of surface materials by the action of natural elements.

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

#### **EXCAVATION**

- A. Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom;
- B. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade;
- C. The material used to make a fill.

**EXIT** — A way of departure from a building to the exterior at street or grade level, including doorways, corridors, stairways, ramps and other elements necessary for egress or escape.

**FILLING** — Any act by which earth, sand, gravel or rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the stripped surface and shall include the conditions resulting therefrom.

**FACILITY OWNER** — The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

**FAMILY** — A single individual doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based

upon birth, legal marriage, or another domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boardinghouse, commune or institution.

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

**FENCE** — Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line, when such structure is erected on or within two feet of side or rear lot line; for the purpose of this chapter a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this chapter when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines," "side yard lot lines," and the area within two feet of the same. Fences are not synonymous with "garden structures" which are defined elsewhere herein.

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

**FLOOD BOUNDARY, ONE-HUNDRED-YEAR** — The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one-percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resource Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define its boundary.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** — An official floodplain map of a community issued by the Federal Insurance Administration.

**FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD)** — A flood which is likely to be equaled or exceeded once every 100 years (i.e., that has a one-percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resource Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

**FLOODPLAIN** — A floodplain may be either or a combination of:

- A. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a one-hundred-year-design frequency storm; or
- B. Any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term "floodproofing" shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

**FLOODWAY** — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**FLOOR AREA, HABITABLE** — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utilities rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height of not less than five feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops, shall be 10% of the habitable floor area of such room, except earth-sheltered homes.

**FLOOR AREA OF A BUILDING** — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FRATERNAL ORGANIZATION** — A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**FREEBOARD** — The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

**FUTURE RIGHT-OF-WAY**

- A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads;
- B. A right-of-way established to provide future access to or through undeveloped land.

**GARAGE, PRIVATE** — An enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises.

**GARAGE, PUBLIC** — Any garage other than a private garage, and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

**GARDEN APARTMENT** — A two-story multifamily dwelling, containing one-story dwelling units, under one ownership.

**GARDEN WALL:** An exterior wall of less than 4'-0" in height used in landscaping to accommodate changes in grade elevation. Garden walls are not required to comply with the zoning or building permitting processes.

**GARDEN STRUCTURES** — Any accessory structure which may be occupied for other than sleeping, or general housekeeping purposes, or which serves as a shelter primarily for human beings (except a permitted garage, porch or carport) which is located in any side or rear yard not closer than two feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, lath houses, private green houses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building set back line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, birdbaths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

**GOVERNING BODY** — The Board of Supervisors of Rye Township.

**GRASSED WATERWAY** — A natural or man-made drainageway of parabolic or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a "swale.")

**GROSS RESIDENTIAL DENSITY** — Density of the building site plus traversing streets, alleys and drives, open space and 1/2 of bounding streets.

**HISTORIC STRUCTURE** — Any structure that is:

- A. Listed individually or eligible for listing in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**HOLDING POND** — A retention or detention pond.

**HOME OCCUPATION** — An accessory use of a service nature customarily conducted within a single-family detached dwelling by the residents thereof which is clearly incidental and secondary to the use of a dwelling for dwelling purposes, does not change the character thereof, or have any exterior evidence of secondary use other than a small nameplate in connection thereof and which shall not exceed 216 square inches in area.

**HOMEOWNERS' ASSOCIATION** — An incorporated, nonprofit organization operating under recorded land agreements through which:

- A. Each lot and/or home owner in a planned unit or other described land area is automatically a member;
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
- C. The charge if unpaid becomes a lien against the property.

**HOTEL** — A building used as the more or less temporary abiding place of individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants.

**HUB HEIGHT** — The distance measured from the surface of the tower foundation to the height of the wind turbine hub to which the blade is attached.

**IDENTIFIED FLOODPLAIN AREA** — The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood.

**IDENTIFIED FLOOD-PRONE AREA** — The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood. Included would be areas identified as floodway (FW), flood-fringe (FF) and general floodplain (FA).

**IMPERVIOUS SURFACE** — Any surface which does not absorb rain; all buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, packed stone, pavers on sand or other equivalent surfaces. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be classified as impervious. For purposes of this definition the areas of a swimming pool or pond located inside the coping shall be classified as impervious.

**IMPROVEMENTS** — Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including but not limited to grading, paving, curb, gutter, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewerage disposal facilities.

**INDUSTRIAL PARK** — A tract of land eminently suitable for industrial use, subdivided and developed according to a comprehensive plan for occupancy by a group of industries, equipped with streets and necessary utilities, and conforming in all respects with the requirements of this chapter.

**INTENSIVE AGRICULTURAL USE** — Any activity that exceeds any of the following thresholds:

- A. Any agricultural operation involving more than 10 acres in total area of operation.
- B. Any activity that maintains livestock at a rate of more than one animal equivalent unit per five acres, exclusive of all poultry or fowl.
- C. Any activity that maintains poultry or fowl at a rate of more than 1/2 animal equivalent unit per acre.
- D. Any activity that involves the deposit of manure or sewage sludge on areas exceeding one gross acre that does not also involve any substantial farming or agricultural activity on the same site or is a part of a contiguous farming operation.

**JUNKYARD** — Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled; including auto wreckage yards, house wrecking yards, used lumber yards, and places or yards for storage or salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building; and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

**LAND DEVELOPMENT** — Any of the following activities:

- A. The improvement of one lot or two or more continuous lots, tracts, or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or accumulatively, between or among two or more existing or prospective occupants by means of or for the purposes of streets, common areas, lease holds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. There shall be exempted from land development requirements the following when such land development involves:
  - (1) The conversion of existing single-family detached dwelling, or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;



- (2) The addition of an accessory building, including farm buildings on a lot or lots subordinate to an existing principle building;
- (3) The addition or conversion of buildings or rides in the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, "amusement park" is defined as a tract of area used principally as a location of permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by the amusement park until initial plans for the expanded area have been approved by proper authorities.

**LAND DISTURBANCE** — Any activity involving 5,000 or more square feet of grading, digging, filling of ground, stripping of vegetation or earthmoving activities that change the natural contour of the land or divert surface or subsurface water flows; any earthmoving activities within designated floodplains, wetlands, steep slopes, or in or adjacent to any watercourse regardless of the number of square feet involved.

**LAND DISTURBANCE APPROVAL**— Approval of land disturbance activities provided through a zoning permit issued by the Zoning Officer upon Planning Commission and Supervisor approval of the Land Disturbance Plan, Erosion and Sedimentation Control plan and Stormwater Management Plan. The applicant must meet all applicable requirements of Chapter 360, Zoning and Chapter 320, Subdivision and Land Development Ordinances.

**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 right of the landowner, or other person having a proprietary interest in land.

**LAUNDROMAT** — A service establishment for the on-site renting of washing machines, exclusive of facilities provided as an accessory use in an apartment house.

**LODGE** — The meeting place of a branch of some societies.

**LOT** — A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**LOT AREA** — The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

**LOT CORNER** — A lot at the junction of and abutting on two or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than 135° and the radius of the street or private road line is less than 100 feet.

**LOT, DEPTH OF** — The average horizontal distance between the front and rear lot lines.

**LOT, MINIMUM WIDTH OF** — The horizontal distance between the side lot lines of a lot measured at the front building setback line.

**LOT SLOPE** — The rate of change of the ground surface; computed by dividing the vertical elevation difference of adjacent ten-foot contours by the horizontal distance between the same adjacent ten-foot contours; expressed in percentage form.

**LOT WIDTH** — The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**LOWEST FLOOR** — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

**MARQUE** — Any hood, canopy, awning or permanent construction that projects from a wall of a building usually above an entrance.

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

**MINIMUM DISTURBANCE/MINIMUM MAINTENANCE AREA** — Existing wooded and vegetated areas within a building lot in which clearing of trees and vegetation of benefit to wildlife is restricted and disturbance in the form of excavation or regarding is restricted by deed.

**MINIMUM LOT AREA** — Shall be determined by the requirements of this chapter and all regulations of the PA Department of Environmental Protection as it applies to sewage facilities planning for the lot.

**MINOR IMPROVEMENTS** — Minor improvements shall include the construction of a single-family dwelling on a previously subdivided complying lot, the construction of an addition to an existing single-family dwelling, minor grading on a previously subdivided complying lot with a total disturbed area of less than one acre for the purposes of landscaping and or construction on the lot, or the construction of a driveway for a single-family dwelling unit on a previously subdivided complying lot.

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

**MOBILE HOME** — A transportable single-family dwelling, intended for permanent occupancy or office or place of assembly and contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements for mobile home parks. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements

therein imposed except that the permanent foundation may consist of concrete or cement block piers extending from below the frost line to the first floor of the mobile home and having a fully enclosed perimeter consisting of a permanently attached skirting specifically designed for this purpose.

**MOBILE HOME LOT** — A parcel of land, located in a mobile home park and improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** — A parcel or contiguous parcels of land under single ownership that has been so planned, designated, and improved that it contains two or more mobile home lots for the placement thereon of mobile homes for a nontransient use.

**MOTEL** — A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designated for year-round occupancy, primarily for transient automobile travelers and providing for accessory offstreet parking facilities. The term "motel" includes buildings designed as tourist courts, tourist cabins, motor lodges, and similar terms.

**MUNICIPAL AUTHORITY** — A body, politic and corporate, created pursuant to 53 Pa.C.S.A. § 5601 et seq., known as the "Municipality Authorities Act."

**MUNICIPAL ENGINEER** — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**MUNICIPALITY** — Rye Township, Perry County, Pennsylvania.

**NEIGHBORHOOD SHOP** — A building, lot or premises performing a local neighborhood service to include such uses as drugstore, grocery store, barbershop, beauty parlor, and tea room.

**NET RESIDENTIAL DENSITY** — Density of the building site.

**NO-IMPACT HOME OCCUPATION** — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- 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 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**NONCONFORMING LOT** — A lot, the area, dimension or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

**NONCONFORMING SIGN** — Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**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 application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** — A use or activity whether of land or of structure that was lawfully in existence prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to comply with the applicable use provisions of such ordinance or to conform to the present requirements of the zoning district.

**NONPARTICIPATING LANDOWNER** — Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

**NURSING HOME** — A proprietary facility, licensed by a governmental authority, for the accommodation of persons who require skilled nursing care and related medical services, but are not in need of hospital care. A housing project for the elderly is distinguished from a nursing home in that an elderly project is primarily of a residential character with only incidental nursing facilities, while a nursing home is primarily designated and used for the care of convalescent or ill persons.

**OCCUPIED BUILDING** — A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

**OFFICIAL MAP** — A map adopted by ordinance pursuant to Article IV, of the Act of July 31, 1968 (P.L. 850, Article IV, Section 401).

**OFF-STREET PARKING SPACE** — A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**ONE-HUNDRED YEAR FLOOD** — A flood that, on the average, is likely to occur once every 100 years (i.e., that has one-percent chance of occurring each year, although the flood may occur in any year).

**ON-SITE STORMWATER MANAGEMENT** — The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

**OPEN SPACE** — That portion of the land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.

**OPEN SPACE, COMMON** — Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or the enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

**OPERATOR** — The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

**PANHANDLE LOT** — A lot which is designed in such a manner that it is connected to a public street by a twenty-foot wide strip of land which is an integral part of the lot but not used in determining the applicable minimum lot area requirement. The minimum lot area requirement shall be determined by using that portion of the lot where the minimum lot width dimension is achieved.

**PARCEL** — A tract, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

**PARKING LOT, COMMERCIAL** — A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

**PARKING SPACE** — The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

**PENTHOUSE** — A structure located on the roof of the main building for purposes of living accommodations or mechanical equipment. When the area of the penthouse exceeds 20% of the area of the roof or when the penthouse is to be occupied by persons, the penthouse shall be considered as another story.

**PERCOLATION TEST** — A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Protection.

**PERMITTED USES** — Uses authorized and requiring approval.

PERSON — Any individual or group of individuals, partnership, or corporation.

PERSONAL STANDALONE WIND TURBINES — Wind turbines constructed primarily to generate electricity for use on the property which the wind turbine is located. Personal standalone wind turbines shall have a maximum output of 2.5 kW at 14 m.p.h. wind speed, and shall produce a maximum noise level of 45 decibels as measured at the exterior of any occupied building on a nonparticipating landowner's property.

PIPELINE — As defined by Title 49, Code of Federal Regulations, Section 195.2 and 192.3.

PIPELINE, TRANSMISSION — Transmission pipelines include, but are not limited to, pipelines designed for the transmission of gas or petroleum gas, except a service line, as those terms defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a hazardous liquid, as defined by Title 49, Code of Federal Regulations, Section 195.2.

PLAN — The map or plan of a subdivision, land development or land disturbance whether preliminary or final.

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 necessarily correspond, in lot size, bulk, type of dwelling, use, density, intensity, lot coverage, and required open space, to the regulations established in any one district created under the provisions of this chapter.

PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended. *Editor's Note: See 53 P.S. § 10101 et seq.*

PLANNING COMMISSION — Rye Township Planning (and Zoning) Commission.

PRINCIPAL BUILDING — Primary use structure for which the lot was intended.

PRINCIPAL USE — The intended use of the lot as permitted by this chapter.

PRIVATE DRIVE — An improved access cartway, road, or street within a private right-of-way, from a public right-of-way serving up to three individual driveways; jointly owned and maintained by all lot owners.

PRIVATE ROAD — See “PRIVATE DRIVE” definition.

PROPERTY — A lot or plot, including all buildings and improvements thereon.

PROPERTY LINE — A recorded boundary of a plot.

PUBLIC GROUNDS — Includes:

- A. Parks, playgrounds, trails, paths, other recreational areas, and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to the taking of action in accordance with the Act of July 31, 1968 (P.L. 805, No. 247) as amended, known as "Municipality Planning Code."

**PUBLIC MEETING** — A forum held pursuant to notice under 65 Pa.C.S.A. § 701 et seq., known as the "Sunshine Act."

**PUBLIC NOTICE** — Notice given not more than 30 days and not less than seven days in advance of any public hearing required by this chapter. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

**PUBLIC SYSTEM** — A water or sewerage system that is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

**RAMP** — A sloping walkway providing access to and from floors at different elevations.

**RECREATIONAL VEHICLE** — A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK or CAMPGROUND** — A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment, on recreational vehicle or campground lots that are rented for temporary living quarters for recreational, camping, or travel use, thereby constituting a "land development."

**RECREATIONAL VEHICLE PARK or CAMPGROUND LOT** — A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use, together with such open space as required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a recreational vehicle park or campground lot.

**REGULATORY FLOOD ELEVATION** — The one-hundred-year flood elevation plus a freeboard safety factor of two (2) feet.

**REHABILITATION** — The rehabilitation of one or more properties to a satisfactory improved physical condition overcoming existing deterioration and aiding in the improvement of its neighborhood. Rehabilitation may include additional new construction, buildings or additions.

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

**RESERVE STRIP** — A narrow parcel of ground separating a street from other adjacent properties.

**RESIDENTIAL HOTEL** — A hotel used by 16 or more permanent guests only and not by transients.

**RESTRICTIVE SLOPE** — Land area where the inclination of the land's surface from the horizontal is 25% or greater, and areas outlined in the NRCS Soil Survey.

**RETAINING WALL:** A structure consisting of an exterior wall of 4'-0" or greater in height, constructed of reinforced concrete, reinforced masonry, engineered stackable masonry units, wood timbers, or other suitable materials, used to accommodate changes in grade elevation and designed to sustain the lateral pressure of earth behind the wall. Retaining walls shall be subject to the zoning and building permitting processes, and shall be designed by an engineer licensed to practice in the Commonwealth of Pennsylvania. Per the Subdivision and Land Development Ordinance, retaining walls are limited to 6'-0" in height.

**RETENTION STRUCTURE** — A pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event and release it at a predetermined rate.

**RIDING ACADEMY** — An establishment where horses are kept for riding or driving, or are stabled for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

**RIGHT-OF-WAY, PRIVATE** — A privately owned thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, road, lane, alley, or however designated serving up to three lots.

**RIGHT-OF-WAY, PUBLIC** — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**RIPARIAN BUFFER ZONE** — Areas immediately adjacent to the Township's perennial streams, areas of springs, watercourses, and areas deemed by the Township to possess environmental value (see Article XIII).

**ROAD** — A public or private right-of-way that provides a public means of access to an abutting property. The term "road" shall include street, avenue, drive, circle, highway or similar term.

**ROADSIDE STAND** — A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

**RUNOFF** — The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

**RURAL OCCUPATIONS** — An accessory business use to a principal single-family detached dwelling in which the owners engage in an occupation contained within an accessory building.



**SCREEN PLANTING** — A vegetative material of sufficient height and density to conceal from view, in adjoining districts, the structures and uses on the premises upon which the screen planting is located.

**SEASONAL HIGH-WATER TABLE** — The highest level of a saturated zone in the soil within three feet of the surface during the wettest season. It is at least six inches thick and persists in the soil for more than a few weeks.

**SEDIMENTATION** — The process by which minerals or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

**SEEPAGE PIT** — A covered pit with open-jointed lining through which the septic tank effluent may seep or leach into the surrounding soil.

**SEPTIC TANK** — A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

**SETBACK** — The distance between the street right-of-way line and the front line of a building or any projection thereof excluding uncovered steps. It shall also include at least the minimum yard requirements specified in the zoning district in which the lot is located.

**SEWAGE DISPOSAL SYSTEM (ON-SITE)** — Any structure designed to eliminate sanitary sewage within the boundaries of the lot.

**SEWAGE DISPOSAL SYSTEM (PUBLIC)** — A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SHADOW FLICKER** — Alternating changes in light intensity caused by the moving wind rotor blade casting shadows on the ground and stationary objects.

**SIGHT DISTANCE** — The length of a roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGN** — Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

**SIGN AREA** — The area defined by the frame or edge of the sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape that most closely outlines the said sign.

**SIGN, BUSINESS** — A sign that directs attention to a use conducted, product or commodities sold, or service performed upon the premises.

**SLOPE** — The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**SOIL PERCOLATION TEST** — A field test conducted to determine the absorption capacity of soil to be a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**SOLAR ACCESS** — A property owner's right to have the sunlight shine on his land.

**SOIL STABILIZATION** — Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

**SPECIAL EXCEPTION** — Permission or approval of a use for which the Zoning Hearing Board may grant a special use permit pursuant to applicable provisions of this chapter and following a public hearing.

**STABLE, PRIVATE** — An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

**STABLE, PUBLIC** — A building in which any horse is kept for remuneration, hire, exhibition, or sale.

**STAFF** — The technical staff of the Perry County Planning Commission, unless otherwise designated by the Rye Township Planning Commission.

**STEEP SLOPE** — Land area where the inclination of the land's surface from the horizontal is between 15% and 25%.

**STORAGE STRUCTURE** — A retention or detention structure.

**STORMWATER MANAGEMENT** — The control of runoff to allow water falling on a given site to be absorbed, retained, or detained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

**STORMWATER MANAGEMENT PLAN** — A surface drainage plan showing all present and proposed grades and facilities for stormwater drainage and stormwater management.

**STORY** — A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished story if its floor level is six feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five feet above grade.

**STREAM** — See “Watercourse.”

**STREET LINE** — The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point 25 feet from the center line of the existing street.

**STREET, PRIVATE** — See “PRIVATE DRIVE” definition.

**STREET, PUBLIC** — A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

**STRUCTURAL ALTERATION** — Any change in the structural members of a building, such as walls, columns, beams or girders.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpoles, stadiums, solar energy collection systems, platforms, towers, sheds, storage bins, gas pumps, fences exceeding four feet in height, signs, sign posts, lights, and light standards for other than residential use but excepting patios, driveways, walks and parking areas at yard grade.

**SUBDIVIDER** — See "applicant."

**SUBDIVISION** — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

**SUBSTANTIAL DAMAGE** — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage (or repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**SUBSTANTIALLY COMPLETE** — Where, in the judgment of the Municipal Engineer, at least 90% (based upon the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Municipalities Planning Code (*Editor's Note: See 53 P.S. §*

10509)) of the improvements required as a condition for final approval had been completed in accordance with the approved plan, the project will be able to be used, occupied, or operated for intended use.

**SURVEYOR** — Professional land surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** — A low lying stretch of land characterized as a depression used to carry surface water runoff.

**THEATER** — A building or part of a building devoted to the showing of moving pictures of theatrical productions on a commercial basis.

**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 commercial basis to patrons seated in automobiles or on outdoor seats.

**TILE DISPOSAL FIELD** — A system of open-jointed or perforated pipes laid in the upper strata of the soil for absorption.

**TOP SOIL** — Surface soils and subsurface soils which, presumably, are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

**TOURIST HOME** — A dwelling in which transient guests use overnight accommodations for compensation.

**TOWNHOUSE** — See "dwelling, single-family, attached."

**TOWNSHIP** — The Township of Rye, Perry County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

**TRAILER CAMP OR COURT** — See "camp."

**TRAILER, INCLUDING AUTOMOBILE TRAILER** — Any vehicle or structure constructed in such a manner as to permit the conduct of any business, trade or occupation or use as a selling or advertising device and so designed that it is or may be mounted on wheels and moved upon highways and streets, propelled or drawn by its own or other motor power, including automobile trailers, truck trailers, trailer coaches, buses, street cars and all similar devices, and not designed for permanent residence.

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

**TURBINE HEIGHT** — The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

**UNDEVELOPED LAND** — Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

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

**UNIQUE NATURAL FEATURES OR AREAS** — Natural objects or environs of unusual aspect and quality preserved for open space and passive recreation to protect and promote the health, safety and welfare of present and future residents of the Township, including but not limited to the following:

- A. Large trees (greater than 24 inches DBH);
- B. White Pine, beech and hemlock groves (woodlands with greater than 50% of the individual species indicated);
- C. Diverse wetlands and wetlands of exceptional value;
- D. Critical wildlife habitat and endangered plants in accordance with the PNDI (Pennsylvania Natural Diversity Inventory of the Pennsylvania Nature Conservancy);
- E. Densely vegetated mountain laurel areas;
- F. Rock outcroppings and bouldery dystrochrepts;
- G. Seeps, springs, and vernal ponds;
- H. Scenic vistas and views.

**UNIT** — Means a part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or buildings.

**USABLE OPEN SPACE** — A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of the subdivision or mobile home park or other development, not including streets, off-street parking areas and areas set aside for public facilities.

**USE** — The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**VARIANCE** — The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary

hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and original intent of this chapter.

**VISUAL SCREEN** — A well-maintained hedge, landscaped berm, or other vegetative materials which, upon planting or installation, is both of a minimum height of five feet and of sufficient density to conceal from the view of adjacent properties the structures and uses on the premises where the screening is located. Up to 30% of the screening may be accomplished by using a fence or wall.

**WATER FACILITY** — Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

**WATER SURVEY** — An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

**WATERCOURSE** — A stream of water (river, brook, creek) or a channel ditch or swale for water, whether natural or man-made.

**WETLANDS** — Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. Wetlands shall be identified and delineated in accordance with the current United States Army Corps of Engineers Wetland Delineation Manual and applicable regional supplement. Wetlands values and functions include, but are not limited to, the following:

- A. Serving important natural biological functions, including food chain production; general habitat; and nesting, spawning, rearing and resting sites for aquatic or land species.
- B. Being set aside for study of the environment or as sanctuaries or refuges.
- C. Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns or other environmental characteristics.
- D. Shielding other areas from wave action, erosion or storm damage. These kinds of wetlands are often associated with barrier beaches, islands, reefs and bars.
- E. Serving as a valuable storage area for storm and floodwaters.
- F. Providing a groundwater discharge area that maintains minimum baseflows important to aquatic resources or serves as prime natural recharge area. A prime recharge area is a location where surface water and groundwater are directly interconnected.

**WIND ENERGY FACILITY** — An electric generating facility whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**WIND ENERGY FACILITY OPERATOR** — The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

**WIND TURBINE** — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**YARD** — An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

**YARD, BUFFER** — A yard covered with vegetation and intended to provide an area of separation between difference districts or uses.

**YARD, FRONT** — An open unoccupied space on the same lot with a main building. The front yard is defined by the design of the lot. The lot design with front yard definition are as follows:

- A. **Typical Lot with Primary Structure Parallel to the Public Street Right-of-Way:** The front yard shall be defined as the area between the road right-of-way line and the front of the primary structure. The front yard shall extend from each side yard setback line the full width of the property. All building setback lines shall at least be as per the minimum yard requirements specified in the zoning district in which the property is located. Refer to Appendix A, Diagram 1
- B. **Corner Lot with Primary Structure Parallel to the Public Street Right-of-Way:** The front yard shall be defined as the zone between the road right-of-way and the front of the primary structure. The front of the structure shall be per the approved land development plan. If there is no plan, the front yard shall be consistent with the property USPS mailing address. The front yard shall extend from each side yard setback line the full width of the property. All building setback lines shall at least be as per the minimum yard requirements specified in the zoning district in which the property is located. Refer to Appendix A, Diagram 2.
- C. **Typical Lot with Primary Structure Not Parallel to the Public Street Right-of-Way:** The front yard shall be defined as the zone between the road right-of-way line to the point of the primary structure that is closest to the front yard setback line. The front yard shall extend the full width of the lot, from side yard setback line to side yard setback line. All building setback lines shall at least be as per the minimum yard requirements specified in the zoning district in which the property is located. Refer to Appendix A, Diagram 3.
- D. **Corner Lot with Primary Structure Not Parallel to the Public Street Right-of-Way:** The front yard shall be defined as the zone between the road right-of-way and the closest point of the primary structure to the front yard setback line. The front yard setback shall extend the full width of the property from side yard setback line to side yard setback line and shall be parallel to the public right-of-way lines. All building setback lines shall at least be as per the minimum yard requirements specified in the zoning district in which the property is located. Refer to Appendix A, Diagram 4.
- E. **Cul-de-Sac Lot:** The front yard shall be defined as the zone between the road right-of-way and the closest point of the primary structure to the road right-of-way setback line. The depth of the front yard setback shall be a line parallel to the road right-of-way front yard setback line. The front yard setback shall extend the full width of the property from side yard setback line to side yard setback line. All building setback lines shall at least be as per

the minimum yard requirements specified in the zoning district in which the property is located. Refer to Appendix A, Diagram 5.

**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 closest point of the rear line of the building. A building shall not extend into the required rear yard setback.

**YARD, SIDE** — An open unoccupied space on the same lot with the building between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required minimum side yards setbacks, which shall at least be the minimum specified in the zoning district in which the lot is located.

**ZERO LOT LINE** — The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**ZONING** — The demarcation of the municipality into zones or areas, and the application of this chapter to establish regulations to govern the use of the land, including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in Section 604 of the Planning Code. *Editor's Note: See 53 P.S. § 10604.*

**ZONING MAP** — The Zoning Map of the municipality adopted by this chapter together with all amendments thereto subsequently adopted.

**ZONING OFFICER** — The duly constituted municipal official designated to administer and enforce this chapter. The Zoning Officer shall administer this chapter in accordance with its literal terms. The Zoning Officer may be the Building Inspector and serve both offices of Rye Township.

**ZONING PERMIT** — A permit, as part of the building permit or due to land disturbance, stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located or is to be located.

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### ARTICLE III Designation of Districts

#### § 360-9. Zone Districts.

For the purpose of this article, Rye Township is hereby divided into the following districts:

- CF Conservation Forest District
- AG Agricultural District
- IA Intensive Agricultural District
- R-1 Residential District



R-2	Residential District
RV	Residential Village District
C	Commercial District
IML	Industrial/Manufacturing Limited District
PRD	Planned Residential Development
FP	Floodplain District
TPO	Trail and Pipeline Overlay District

**§ 360-10. Zoning Map.**

- A. The boundaries of the CF, AG, IA, R-1, R-2, RV, C, IML, PRD, and TPO Districts shall be as shown on the Official Zoning Map which is on file in the Township Office. This map shall be known as the "Zoning Map of Rye Township" and is hereby made a part of this chapter. A copy of the Official Zoning Map is on display at the Township office.
- B. The boundaries of the FP Districts shall serve as overlays to the underlying districts, as shown on the Official Zoning Map, and as specifically described in the one-hundred-year flood delineation in the Flood Insurance Study prepared for Perry County, Pennsylvania (all jurisdictions), by the Flood Insurance Administration, dated June 2009, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. The said study and accompanying maps and all notations, reference and other data shown thereon are hereby incorporated by reference into this chapter, as if all were fully described herein. *Editor's Note: Said maps and study are on file in the Township office.*

**§ 360-11. Boundaries between districts.**

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipality limits shall be construed as following such municipality limits.
- D. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed as following such center lines.
- E. Boundaries indicated as parallel to or an extension of features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

**§ 360-12. Interpretation of boundaries.**

- A. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by § 360-11A through E above, the Zoning Hearing Board shall interpret the district boundaries.
- B. When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 50 feet beyond the district boundary line; however, if such construction or applications shall result in a residual land area which shall thereby be rendered unusable, then the regulations of the district in which the greater portion of the affected lot lines shall be deemed to apply to the entire lot.

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ARTICLE IV  
**CF — Conservation Forest District**

**§ 360-13. Intended purpose.**

These district regulations are designed to protect areas in the Township for the preservation and conservation of the natural environment and permit and encourage the retention of forested and open land; floodplain areas of streams, creeks and drainageways; and nonintensive land uses located to constitute a harmonious and appropriate part of the physical development of the Township.

**§ 360-14. Permitted uses.**

Permitted uses shall be:

- A. Public conservation areas and structures for the conservation of open land, water, soil, wildlife resources, and historical preservation.
- B. Churches or similar places of worship, parish houses, convents.
- C. Single-family detached dwelling units, seasonal cottages, hunting and fishing cabins.
- D. Public park and recreation areas, game refuges and similar nonintensive uses.
- E. Radio, television and communication towers and antennas in accordance with Article XV of this chapter.
- F. Electric and telephone public utility transmission and distribution facilities, including substations.
- G. Municipal buildings and facilities, including water pumping stations, reservoirs and similar structures.
- H. Public camps, camping grounds and facilities.
- I. Agriculture, horticulture of forestry, truck gardening and nurseries.

- J. Historical preservation areas.
- K. Production of forest products, forest industries.
- L. Customary accessory uses and buildings incidental to any permitted uses, including:
  - (1) Private swimming pools, subject to Township and state regulations.
  - (2) Private garages, playhouses, garden houses or greenhouses not used for commercial purposes.
- M. Semipublic or private recreational areas, game and wildlife hunting and gun clubs, and camps and camping grounds. N. Horse stables.
- O. Winter sports areas and ski lodges.
- P. Golf courses.
- Q. Schools of a public or parochial school system and related school uses.
- R. Mining and quarrying.
- S. No-impact home occupation.
- T. Forestry.
- U. Bed-and-breakfast.
- V. Wind energy facilities (by special exception only) in accordance with Article XIX of this chapter.

**§ 360-15. Height regulations.**

The height of a principal building shall be not greater than 35 feet; and no accessory building or structure shall exceed 25 feet in height.

**§ 360-16. Area regulations.**

The slope of the parcel shall determine the density per area as shown in Table 360-16.

**Table 360-16  
Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Required Minimum Lot Size* (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	10
Greater than 50% of the building lot has a slope of 15% or more	20

NOTES:

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes).

**§ 360-17. Dimensional regulations.**

- A. The lot width at the required front building line shall be not less than 500 feet on an interior lot and the same on each side facing a street on a corner lot.
- B. Each lot shall be a minimum depth of 500 feet.

**§ 360-18. Yard regulations.**

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

- A. Front yard depth: 30 feet.
- B. Two side yards for single-family detached: 20 feet each side on an interior lot. On a corner lot the side yard abutting the street shall be not less than 30 feet in width.
- C. Rear yard depth: 50 feet.
- D. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-19. Maximum impervious lot coverage.**

The maximum impervious coverage shall be no more than 10%. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development and protect the watershed by retaining as many trees as possible, limiting runoff and preventing erosion.

**§ 360-20. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XVII of this chapter.

**§ 360-21. Signs.**

**Signs shall be in accordance with Article XIV of this chapter.**

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ARTICLE V  
AG — Agricultural District

**§ 360-22. Intended purpose.**

The Agricultural Districts are composed of agricultural areas and low-density residential areas in the Township with limited or no public service systems. The regulations for these districts are designed to protect and stabilize these essential characteristics and promote and encourage a safe and healthful environment for family life. To these ends, development is restricted to agricultural and related land uses and low-density residential uses.

**§ 360-23. Permitted uses not referenced to NAICS Manual.**

Permitted uses not referenced to NAICS Manual shall be:

- A. Single-family detached dwelling units.
- B. Single-family cluster dwelling units subject to Article XV, § 360-137.
- C. Customary accessory uses and buildings incidental to any permitted uses, including:
  - (1) Private swimming pools, subject to Township and state regulations.
  - (2) Private garages, playhouses, garden houses or greenhouses not used for commercial purposes.
  - (3) Home occupations, providing there is no external evidence of such use except one announcement sign of not more than 216 square inches in area.
  - (4) Signs as provided for in Article XIV of this chapter.
- D. Churches and similar places of religious worship.
- E. Home-based day care.
- F. Necessary public utility buildings, providing they do not include material storage, storage for trucks, repair facilities or housing quarters for repair crews.
- G. Country clubs and golf courses; providing, however, that the lot upon which located contains a minimum of 100 acres.
- H. Cemeteries and memorial gardens.
- I. Planned residential developments, subject to the controls set forth in Article XII of this chapter.
- J. Keeping of horses, providing that the horses are pastured on not less than one acre of land area for each horse exclusive of the lot size required for each dwelling and that sanitary stables are maintained not less than 200 feet from any lot line or principal building.
- K. Public libraries; museums; firehouses; community activity buildings (including Grange halls or buildings of similar purely agricultural organization); and municipal state or federal buildings.

- L. Elementary and secondary schools and institutions of higher education; providing, however, that the lot upon which located contains a minimum of five acres plus 500 square feet of land area per pupil capacity.
- M. Recreation areas and structures operated by membership clubs for the benefit of their members and not for gain, providing that the residential character of the neighborhood is preserved to give no impression of a commercial use.
- N. No-impact home occupation.
- O. Forestry.
- P. Bed-and-breakfast.
- Q. Farm occupations.
- R. Rural occupations.
- S. Wind energy facilities in accordance with Article XIX of this chapter.

**§ 360-24. Permitted uses referenced to NAICS Manual.**

The 2002 United States NAICS Manual, North American Industry Classification System, United States 2002, as amended, published by the United States Government Printing Office, shall be the deciding reference source in determining the suitability of the following permitted uses in the Agricultural District. Use categories listed in Table 306-24 are referenced by their NAICS code number. Permitted uses listed are deemed to include all uses classified by the NAICS Manual under the same code number. The following uses are permitted in this zoning district subject to all applicable sections of this article and all applicable supplemental provisions in Article XV:

**Table 306-24, NAICS Use Categories**

**NAICS**

<b>No.</b>	<b>*Category</b>
11	The growing of crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats
541940	Veterinary services
812910	Pet care (except veterinary) services
311615	Poultry and egg processing
3111	Animal food manufacturing
3112	Grain and oilseed milling
48811	Airport operations
44422	Nursery, garden center, and farm supply stores
6211	Offices of physicians
None	Commercial roadside stand for sale of garden products and garden commodities

NOTES:

\* Two-digit classifications include all three-digit and four-digit classifications beginning with the same two-digit number, likewise, three-digit classifications include all four-digit classifications beginning with the same three-digit number.

**§ 360-25. Height regulations.**

The height of a principal building shall not be greater than 35 feet; and no accessory building or structure shall exceed one story or 25 feet in height, except that buildings or structures devoted for farm use shall be exempt from height restrictions.

**§ 360-26. Area regulations.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-26.

**Table 360-26  
Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Required Minimum Lot Size* (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	5
Greater than 50% of the building lot has a slope of 15% or more	10

NOTES:

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes).

B. All land development and subdivision applications in this district, in addition to the requirements required in §§ 320-21 and 320-25 in Chapter 320, Subdivision and Land Development, shall submit the following:

- (1) A topographic map of the subject property at two-foot contour intervals, with the cross-slope identified by measurement of those areas 0% to 14%, and over 15%.
- (2) A soils engineering report investigating site characteristics of the subject property to include the nature, distribution, and suitability of subsurface soils for load-bearing stability and compaction; extent, description, and location of exposed rock; erodibility potential of surface soils; permeability and available water-infiltration capacity; depth to bedrock and seasonal high water table; and the location, type, and intensity of vegetative cover on the subject property.

- (3) A geophysical-hydrologic report investigating conditions of the site's underlying geologic formation and the hydrological characteristics of the proposed development. The report must demonstrate that any adverse impacts can be overcome in such a manner as to prevent hazard to life and property and to maintain amenable site features for stormwater management, soil erosion and sedimentation control, vegetative cover, and exposed rock stability.

**§ 360-27. Width regulations.**

The lot width at the required front building line shall be not less than 250 feet on an interior lot and the same on each side facing a street on a corner lot.

**§ 360-28. Minimum lot depth.**

The minimum lot depth shall be 250 feet.

**§ 360-29. Yard regulations.**

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

- A. Front yard depth: 35 feet.
- B. Two side yards for single-family detached: 20 feet each side on an interior lot. On a corner lot the side yard abutting the street shall be not less than 35 feet in width.
- C. One side yard for clustered housing, no minimum is required when developed as zero side yard building setback on at least one side. The other side must be at least 20 feet.
- D. Rear yard depth: 35 feet.
- E. Side and rear yard depth for uses in § 360-23D through S: 100 feet.
- F. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line. Temporary seasonal buildings are explicitly not subject to the setback requirements.

**§ 360-30. Maximum impervious lot coverage.**

The maximum impervious coverage shall be no more than 20%. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development, protect the watershed by retaining as many trees as possible, and limit runoff and prevent erosion.



**§ 360-31. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XVII of this chapter.

**§ 360-32. Agricultural setback requirement.**

On any separate nonfarm parcel, no shrub shall be planted, and no accessory residential structures or fences shall be placed within 10 feet of any land used for agricultural purposes. Similarly, no tree shall be planted within 30 feet of any land used for agricultural purposes.

**§ 360-33. Agricultural nuisance disclaimer.**

All lands within or abutting this zoning district are located within an area where land is used for agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, The Right to Farm Law, *Editor's Note: See 3 P.S. § 954* may bar them from obtaining a legal judgment against such normal agricultural operations.

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ARTICLE VI

**IA — Intensive Agricultural District**

**§ 360-34. Intended purpose.**

The Agricultural Districts are composed of agricultural areas and low-density residential areas in the Township with limited or no public service systems. The regulations for these districts are designed to protect and stabilize these essential characteristics and promote and encourage a safe and healthful environment for family life. To these ends, development is restricted to agricultural and related land uses and low-density residential uses.

**§ 360-35. Permitted uses not referenced to NAICS Manual.**

Permitted uses not referenced to NAICS Manual shall be:

- A. All principal and accessory uses permitted in AG District.
- B. Intensive agricultural operations.

**§ 360-36. Permitted uses referenced to NAICS Manual.**

The 2002 United States NAICS Manual, North American Industry Classification System, United States 2002, as amended, by the United States Office of Management and Budget (OMB), shall be the deciding reference source in determining the suitability of the following permitted uses in the Intensive Agricultural District. Use categories listed in Table 360-36 are referenced by their NAICS code number. Permitted uses listed are deemed to include all uses classified by the NAICS Manual under the same code number. The following uses are permitted in this zoning district subject to all applicable sections of this article and all applicable supplemental provisions in Article XV:

**Table 360-36  
NAICS Use Categories**

**NAICS**

<b>No.</b>	<b>*Category</b>
11	Growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats
541940	Veterinary services
812910	Pet care (except veterinary) services
311615	Poultry and egg processing
3111	Animal food manufacturing
3112	Grain and oilseed milling
48811	Airport operations
44422	Nursery, garden center, and farm supply stores
6211	Offices of physicians
None	Commercial roadside stand for sale of garden products and garden commodities
None	Apartments which may be in combination with the above uses subject to the lot, yard, area, density, height regulations, and off-street parking requirements of §§ 360-37 through 360-43

**NOTES:**

\* Two-digit classifications include all three-digit and four-digit classifications beginning with the same two-digit number, likewise, three-digit classifications include all four-digit classifications beginning with the same three-digit number

**§ 360-37. Height regulations.**

The height of a principal building shall not be greater than 35 feet, and no accessory building or structure shall exceed one story or 25 feet in height, except that buildings or structures devoted for farm use shall be exempt from height restrictions.

**§ 360-38. Area regulations.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-38.

**Table 360-38  
Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Required Minimum Lot Size<sup>1</sup> (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	5 <sup>2</sup>
Greater than 50% of the building lot has a slope of 15% or more	10 <sup>2</sup>

**NOTES:**

<sup>1</sup> The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes).

<sup>2</sup> Total area of all lots subdivided as of the date this chapter was adopted shall not exceed 20% of the parent tract of the first recorded subdivision.

B. All land development and subdivision applications in this district, in addition to the requirements required in §§ 320-21 and 320-25 in Chapter 320, Subdivision and Land Development, shall submit the following:

- (1) A topographic map of the subject property at two-foot contour intervals, with the cross-slope identified by measurement of those areas 0% to 14%, and over 15%.
- (2) A soils engineering report investigating site characteristics of the subject property to include the nature, distribution, and suitability of subsurface soils for load-bearing stability and compaction; extent, description, and location of exposed rock; erodibility potential of surface soils; permeability and available water-infiltration capacity; depth to bedrock and seasonal high water table; and the location, type, and intensity of vegetative cover on the subject property.
- (3) A geophysical-hydrologic report investigating conditions of the site's underlying geologic formation and the hydrological characteristics of the proposed development. The report must demonstrate that any adverse impacts can be overcome in such a manner as to prevent hazard to life and property and to maintain amenable site features for stormwater management, soil erosion and sedimentation control, vegetative cover, and exposed rock stability.

**§ 360-39. Width regulations.**

The lot width at the required front building line shall be not less than 500 feet on an interior lot and the same on each side facing a street on a corner lot.

**§ 360-40. Minimum lot depth.**

The minimum lot depth shall be 500 feet.

**§ 360-41. Yard regulations.**

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

- A. Front yard depth: 35 feet.
- B. Two side yards for single-family detached: 20 feet each side on an interior lot. On a corner lot, the side yard abutting the street shall be not less than 35 feet in width.
- C. One side yard for clustered housing, no minimum is required when developed as zero side yard building setback on at least one side. The other side must be at least 20 feet.
- D. Rear yard depth: 35 feet.
- E. Side and rear yard depth for uses § 360-23C through R: 100 feet.
- F. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-42. Maximum impervious lot coverage.**

The maximum impervious coverage shall be no more than 10%. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development, protect the watershed by retaining as many trees as possible, and limit runoff and prevent erosion.

**§ 360-43. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XVII of this chapter.

**§ 360-44. Intensive agricultural use requirements.**

In addition to the requirements set forth in this article, the requirements for intensive agricultural use shall be in accordance with the provisions of Article XV of this chapter. Concentrated animal operations (CAOs) and concentrated animal feeding operations (CAFOs) are permitted as a special exception.

**§ 360-45. Agricultural setback requirement.**

On any separate nonfarm parcel, no shrub shall be planted, and no accessory residential structures or fences shall be placed within 10 feet of any land used for agricultural purposes. Similarly, no tree shall be planted within 30 feet of any land used for agricultural purposes.

**§ 360-46. Agricultural nuisance disclaimer.**

All lands within or abutting this zoning district are located within an area where land is used for agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, The Right to Farm Law, *Editor's Note: See 3 P.S. § 954* may bar them from obtaining a legal judgment against such normal agricultural operations.

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**ARTICLE VII  
R-1 Residential District**

**§ 360-47. Intended purpose.**

The R-1 Residential Districts are designed to accommodate and protect the amenities of certain areas in the Township where the development pattern has already been established with single-family residential dwellings of a low-density character and to stabilize these areas as a development feature of the Township.

**§ 360-48. Permitted uses.**

Permitted uses shall be:

- A. Single-family detached dwelling units on existing lots approved prior to February 28, 2011, and those proposed as part of a new residential subdivision or land development of less than five lots (either individually or cumulatively) of an existing parent tract after February 28, 2011, subject to those area, width, yard and coverage standards set forth in §§ 360-50 through 360-53 of this article.
- B. Single-family detached dwelling units proposed as part of a new neighborhood residential subdivision or land development of five or more lots (either individually or cumulatively) of an existing parent tract after February 28, 2011, subject to those land development design standards set forth in § 360-55 of this article.
- C. Churches and similar places of religious worship.
- D. Home-based day care.
- E. Public parks, playgrounds and open space.

- F. Any form of agriculture, provided that no animals shall be maintained on tracts less than 10 acres, except household pets, such as dogs and cats, which may be maintained within the dwelling or accessory building or as permitted in § 360-213 Chickens . The commercial keeping of any animals is expressly prohibited.
- G. Public libraries; museums; firehouses; community activity buildings; and municipal; state or federal buildings.
- H. Elementary and secondary schools and institutions of higher education; providing, however, that the lot upon which located contains a minimum of five acres plus 500 square feet of land area per pupil capacity.
- I. Recreation areas and structures operated by membership clubs for the benefit of their members and not for gain, providing that the residential character of the neighborhood is preserved to give no impression of a commercial use.
- J. Cemeteries and memorial gardens.
- K. Planned residential developments, subject to the controls set forth in Article XII of this chapter.
- L. Necessary public utility buildings, providing they do not include material storage, storage for trucks, repair facilities or housing quarters for repair crews.
- M. Customary accessory uses and buildings incidental to any permitted uses, including:
  - (1) Private swimming pools, subject to Township and state regulations.
  - (2) Private garages, playhouses, garden houses or greenhouses not used for commercial purposes.
  - (3) Signs as provided for in Article XIV of this chapter.
- N. Temporary roadside stand for the sale of garden products and garden commodities produced on the same property where offered for sale, provided no building or structure other than a portable stand shall be constructed for such sale; such stand shall be removed during seasons when such product is not being offered for sale; in no case shall such stand remain where placed longer than for a period of six months in any one year; and such stand shall be placed not closer than 25 feet from any lot line.
- O. No-impact home occupations.
- P. Forestry.
- Q. Bed-and-breakfast.
- R. Farm occupations.
- S. Rural occupations.

**§ 360-49. Height regulations.**

The height of a principal building shall be not greater than 35 feet; and no accessory building or structure shall exceed one story or 25 feet in height, except that buildings or structures devoted for farm use shall be exempt from height restrictions.

**§ 360-50. Area regulations.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-50.

**Table 360-50**

<b>Lot Characteristics</b>	<b>Required Minimum Lot Size* (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	2
Greater than 50% of the building lot has a slope of 15% or more	4

**NOTES:**

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes).

B. The minimum lot area per dwelling unit shall be not less than two acres with the following exceptions:

- (1) Where the lot is served by both public water and sewer, the minimum lot area shall be not less than 20,000 square feet.

**§ 360-51. Width regulations.**

The lot width at the required front building line shall be not less than 200 feet on an interior lot and the same on each side facing a street on a corner lot.

**§ 360-52. Yard regulations.**

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

- A. Front yard depth: 30 feet.
- B. Two side yards for single-family detached: 20 feet each side for an interior lot. On a corner lot, the side yard abutting the street shall be not less than 35 feet in width.
- C. One side yard for clustered housing, no minimum is required when developed as zero side yard building setback on at least one side. The other side must be at least 20 feet.

- D. Rear yard depth: 40 feet.
- E. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-53. Maximum impervious lot coverage.**

The maximum impervious coverage shall be no more than 25%. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development and protect the watershed by retaining as many trees as possible, limiting runoff and preventing erosion.

**§ 360-54. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XVII of this chapter.

**§ 360-55. Neighborhood residential development requirements.**

- A. Parent tract requirements.
  - (1) Minimum parent tract size: three gross acres.
  - (2) Maximum parent tract density.
    - (a) No public water or public sewer: 1.5 net acres.
    - (b) Public water and public sewer: 10,000 net square feet.
  - (3) Minimum amount of common open space: 10% of gross parent tract area shall be permanently preserved as common open space subject to § 360-55D of this article.
- B. Lot types and dimensional standards.
  - (1) Types of lots. Neighborhood residential developments shall consist of two types of lots, standard lots and extra-wide lots. These lots shall meet the following distributional requirements:
    - (a) Standard lots.
      - [1] Standard lots shall comprise at least 70% but not more than 90% of the total number of lots.
      - [2] No more than six standard lots may be located adjacent to each other on the same side of the street. When more than six standard lots would be located on the same side of the street, they must be separated by an extra-wide lot. For this measurement, rows of lots shall begin or end at intersections, the end lot on cul-de-sacs, and/or any open space along the street that is 80 feet or more in width.
    - (b) Extra-wide lots.
      - [1] Extra-wide lots shall comprise at least 10% but not more than 30% of the total number of lots.



- [2] No more than two extra-wide lots may be located adjacent to each other on the same side of the street.
- [3] Lots located on street corners may not be counted as extra-wide lots.
- [4] Extra-wide lots which are 20,000 net square feet in size or larger shall be deemed restricted against future subdivision.

(2) Area, width, yard, and coverage regulations for standard lots.

- (a) Minimum net lot area: 10,000 square feet.
- (b) Minimum lot width at the required front building line: 80 feet.
- (c) Minimum yard regulations.

[1] Front yard depth standards.

- [a] A minimum of 50% and a maximum of 80% of the standard lots shall have a minimum front yard depth of 25 feet, measured from the ultimate street right-of-way.
- [b] A minimum of 20% of the standard lots shall have a minimum front yard depth of 35 feet, measured from the ultimate street right-of-way.
- [c] No more than four standard lots with the same minimum front yard depth shall be located adjacent to one another in a row, on the same side of the street.

[2] Side yard depth: 15 feet.

[3] Rear yard depth: 25 feet.

[4] Building setbacks from parent tract boundaries: 40 feet.

[5] Coverage regulations. See § 360-53 of this article.

[6] Height regulations. See § 360-49 of this article.

C. Design standards.

(1) Garage location and design.

- (a) A maximum of 20% of the lots may have garages which meet the following design option:

[1] The garage is front entry, is flush with or projects no more than five feet in front of the front facade of the house, and does not comprise more than 20% of the total area of the front facade elevation, measured from the ground level to the edge of the roof.

- (b) At least 80% and up to 100% of the lots shall have garages which meet one of the following design options:

[1] The garage is side entry so that the garage doors are perpendicular or radial to the street which the front facade faces.

[2] The garage is front entry and set back at least 10 feet from the front facade of the house.

[3] The garage is located at or behind the rear facade of the house. This garage may be detached from or attached to the house and the garage doors may face any direction.

[4] The garage is rear entry so that the garage doors are on the opposite side of the house from the front facade.

(2) Street trees. Street trees shall be provided in accordance with Chapter 320, Subdivision and Land Development.

(3) Sidewalks. Sidewalks shall be provided in accordance with Chapter 320, Subdivision and Land Development.

(4) Driveway access. No lot shall take driveway access from an existing collector or higher classification roadway.

(5) Street layout. Streets within the development shall be interconnected with each other and with streets on abutting properties. Unless no other street layout is physically feasible, cul-de-sacs should not be used.

D. Open space standards.

(1) At least 10% of the gross parent tract area shall consist of central open space which meets one or more of the design options outlined in § 360-55D(3) of this article. Open space above and beyond the required 10% of the gross parent tract area is not required to meet the requirements of §§ 360-55D(2), (3) and (4) of this article and may be located anywhere on the parent tract.

(2) Central open space location requirements.

(a) At least 60% of the required central open space shall be located in one contiguous park. This park shall meet the following standards:

[1] The park shall be centrally located within the development and easily and conveniently accessible from all lots in the development.

[2] The park shall be accessible by sidewalk or a trail (designed to the satisfaction of the Township) from every home within the development.

[3] On parent tracts of 10 acres or more, the park shall be configured as a village green in accordance with Subsection D(3) below. On parent tracts under 10 acres, the park may be configured as a village green, parkway, eyebrow, or cul-de-sac island in accordance with Subsection D(3) of this article.

(b) All lots shall be located within 1,000 feet of some type of central open space.

(3) Central open space design options.

(a) Village green. Each village green shall be at least 20,000 square feet in size, shall be surrounded along at least 1/2 of its perimeter by roads, and shall be configured so that a circle with a radius of 50 feet can fit within the confines of the green.

(b) Parkway. Each parkway shall have a minimum average width of 35 feet, shall have a length of at least 150 feet, and shall be surrounded by streets on all sides.

- (c) Eyebrow. Each eyebrow shall be surrounded by streets on all sides, shall be generally configured as a semicircle, and shall be configured so that a circle with a radius of 30 feet can fit within the confines of the eyebrow.
  - (d) Cul-de-sac island. Each cul-de-sac island shall be located in the bulb of the cul-de-sac, shall have a radius of at least 30 feet, and shall be surrounded by streets on all sides.
- (4) Central open space design requirements.
- (a) In accordance with Chapter 320, Subdivision and Land Development, healthy trees and shrubs shall be preserved within central open space areas.
  - (b) Street trees shall be provided along the perimeter of central open space areas that border streets, in accordance with Chapter 320, Subdivision and Land Development.
  - (c) All portions of central open space areas, except for those areas under sidewalks, water, recreational structures or other furnishings, shall be landscaped with trees, shrubs, ground cover or grass.
  - (d) Stormwater detention basins and other stormwater management structures and areas, except for permanent wet ponds, shall not be located in the central open space areas used to meet the minimum amount of required central open space.
- E. Development restrictions. All open space land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space land at any time.
- F. Ownership and maintenance of common open space and facilities.
- (1) Ownership options. The following methods may be used, either individually or in combination, to own common open space land and facilities. Common open space land and facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space land ratio of the overall development. Ownership methods shall conform to the following:
    - (a) Fee simple dedication to the Township. The Township may, but shall not be required to, accept any portion of the common open space land or facilities, provided that:
      - [1] There is no cost of acquisition to the Township; and
      - [2] The Township agrees to and has access to maintain such facilities.
    - (b) Condominium association. Common open space land and facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open space land and common facilities shall be held as common element. In addition to the provisions of this section, all requirements of Chapter 320, Subdivision and Land Development, regarding homeowners' associations shall be met.
    - (c) Homeowners' association. Common open space land and facilities may be held in common ownership by a homeowners' association, subject to all of the provisions

for homeowners' associations set forth in state regulations and statutes, and all provisions set forth in Chapter 320, Subdivision and Land Development, regarding homeowners' associations. In addition, the following regulations shall be met:

- [1] The applicant shall provide the Township a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common open space land and facilities.
  - [2] The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
  - [3] Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
  - [4] The association shall be responsible for maintenance and insurance of common open space land and facilities.
  - [5] The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
  - [6] Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common open space land and facilities must be given to all members of the association and to Rye Township no less than 30 days prior to such event.
  - [7] The association shall have adequate staff to administer, maintain, and operate such common open space land and facilities.
- (d) Private conservation organization or Perry County. With permission of the Board of Supervisors, an owner may transfer either fee simple title of the open space land or easements on the open space to a private nonprofit conservation organization or to Perry County, provided that:
- [1] The conservation organization is acceptable to Rye Township and is a bona fide conservation organization intended to exist in perpetuity.
  - [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Perry County becomes unwilling or unable to continue carrying out its functions.
  - [3] The open space land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.
  - [4] A maintenance agreement acceptable to Rye Township is established between the owner and the organization or Perry County.
- (e) Dedication of easements to Rye Township. Rye Township may, but shall not be required to, accept easements for public use of any portion of the common open space land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation

organization while the easements are held by the Township. In addition, the following regulations shall apply:

- [1] There shall be no cost of acquisition to the Township.
- [2] Any such easements for public use shall be accessible to the residents of the Township.
- [3] A satisfactory maintenance agreement shall be reached between the owner and the Township.

(2) Maintenance.

- (a) Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
- (b) The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance of open space lands and operation of common facilities in accordance with the following requirements:
  - [1] The plan shall define open space ownership.
  - [2] The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
  - [3] The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
  - [4] At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.
  - [5] Any changes to the maintenance plan shall be approved by the Board of Supervisors.
- (c) In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- (d) The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action shall be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and shall include administrative costs and penalties. Such

costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of Perry County.

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ARTICLE VIII  
**R-2 Residential District**

**§ 360-56. Intended purpose.**

The regulations for these districts are designed to accommodate high-density development in areas conducive to this type of development in terms of location, accessibility, availability of public water and sewer facilities, existing development patterns and anticipated growth trends.

**§ 360-57. Permitted uses.**

The following uses are permitted in this zoning district subject to all applicable sections of this article, and all applicable supplemental provisions in Article XV:

- A. All principal and accessory uses permitted in R-1 District except rural occupations.
- B. Single and multifamily residential dwellings on existing lots approved prior to February 28, 2011, and those proposed as part of a new residential subdivision or land development of less than five lots/units (either individually or cumulatively) of an existing parent tract after February 28, 2011, subject to those area, width, yard and coverage standards set forth in § 360-59 of this article. For purposes of Article VIII, all residential dwelling types are permitted.
- C. Single-family and multifamily residential dwellings proposed as part of a new mixed neighborhood residential subdivision or land development of five or more lots/units (either individually or cumulatively) of an existing parent tract after February 28, 2011, subject to those land development design standards set forth in § 360-62 of this article. For purposes of Article VIII, all residential dwelling types are permitted.
- D. Conversion of established single-family dwellings into two or more dwelling units, providing both sanitary sewer and water systems are available, each lot or parcel of land so used has an area of not less than 15,000 square feet and a width of not less than 75 feet at the building line, and no more than three dwelling units are added. Each dwelling unit within converted buildings shall have not less than 5,000 square feet of land area per dwelling unit and a minimum of 700 square feet of floor area per each unit but, in no case, shall the total land area be less than 15,000 square feet.
- E. Funeral homes.
- F. Medical and dental clinics, congregate care living and nursing homes; providing the care of drug addicts, chronic alcoholics or persons suffering from insanity or diseases requiring isolation is not included.
- G. Hospitals.

H. Mobile home parks.

**§ 360-58. Height regulations.**

The height of a principal building shall be no greater than 35 feet except a building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation. In no case shall it exceed 50 feet in height. No accessory building or structure shall exceed one story, or 25 feet in height, except that buildings or structures devoted for farm use shall be exempt from height regulations.

**§ 360-59. Area, width, yard and coverage regulations.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-59A.

**Table 360-59A  
Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Required Minimum Lot Size (acres)*</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	2
Greater than 50% of the building lot has a slope of 15% or more	4

NOTES:

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes).

B. The lot area, lot width, yard setback and coverage requirements shall be not less than the dimensions shown on Table 360-59B below, where public sewer and public water is available for building lots where 50% or more of the building lot has a slope of 0% to 14%. For building lots where more than 50% of the building lot has a slope of 15% to 25% the building lot area shall be doubled.

<b>Table 360-59B Alterations to Lot Requirements for Properties Served by Public Water and Sewer</b>					
	<b>Single-Family Detached</b>	<b>Single-Family Semidetached</b>	<b>Single-Family Attached</b>	<b>Multiple family Structures</b>	<b>Nonresidential Structures</b>
Minimum lot area* (square feet)	25,000 per DU	25,000 per DU	10,000 per DU	5,000 per DU	25,000

Minimum lot width (feet)	100	100	24 interior/34 exterior	n/a	100
Minimum required front yard setback (feet)	30				30 from any collector or higher classification; 10 from any other street classification
Minimum side yard (feet)	20	20	10 per end unit	20	Between 10 and 30
Minimum rear yard (feet)	30				30
Maximum building coverage (percent)	25%	25%	25%	15%	30%
Maximum impervious coverage (percent)	30%	30%	30%	35%	40%
Maximum units per building	1	2	8	8	n/a
Maximum building length	n/a	n/a	8 DUs	8 DUs	100 feet

NOTE:

\* Lots not served by public water and sewer must have a minimum lot area of two acres per dwelling unit; a minimum lot width at the required front building line on an interior lot and on each side facing a street on a corner lot of 200 feet; and a minimum lot depth of 200 feet for all types of dwellings.

C. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-60. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XVII of this chapter.



**§ 360-61. Signs.**

Signs shall be in accordance with Article XIV of this chapter.

**§ 360-62. Mixed neighborhood residential development requirements.**

**A. Parent tract requirements.**

- (1) Minimum parent tract size: five gross acres.
- (2) Maximum parent tract density, in compliance with the residential mixing requirements outlined in § 360-62C of this article, with a maximum overall density of five dwelling units per net acre.

**B. Dwelling types and dimensional standards.**

<b>Table 360-62B Dwelling Types and Dimensional Standards</b>						
	<b>Single-Family Detached</b>	<b>Village Single-Family Detached</b>	<b>Single-Family Semidetached</b>	<b>Single-Family Attached</b>	<b>Multiple-family Structures</b>	<b>Nonresidential Structures</b>
Minimum lot area*	20,000 per DU	16,000 per DU	10,000 per DU	5,000 per DU	5,000 per DU	20,000
Minimum lot width (feet)	100	80	60	24 Interior/45 Exterior	100	100
Required front façade location from ultimate ROW, when faces collector or higher classification (feet)	Between 30 and 40					
Required front façade location from ultimate ROW when faces any other street classification (feet)	Between 20 and 30	Between 15 and 25	Between 20 and 30	Between 20 and 30 if parking space is located in front yard; between 10 and 20 if parking space is located in back yard	Between 25 and 35	Between 10 and 30
Minimum side yard (feet)	15	12	15	15 per end unit	20	20
Minimum rear yard (feet)	25			30		
Minimum building setback from abutting residential tract boundaries (feet)	35		40			

Maximum building coverage (percent)	15%	15%	20%	35%	25%	30%
Maximum impervious coverage (percent)	20%	25%	30%	45%	40%	50%
Minimum percent green space in front yard (percent)	65%	60%	50%	40%	55%	55%
Maximum units per building	1	1	2	4	8	n/a
Minimum distance between buildings on the same lot (feet)	n/a	n/a	n/a	n/a	30	30
Maximum building length (feet)	n/a	n/a	n/a	n/a	80	100

**NOTES:**

\* Lots not served by public water and sewer must have a minimum lot area of two acres per dwelling unit; a minimum lot width at the required from building line on an interior lot and on each side facing a street on a corner lot of 200 feet; and a minimum lot depth of 200 feet for all types of dwellings.

**C. General requirements.**

- (1) All developments must provide open space in compliance with § 360-62E of this article.
- (2) In order to qualify for the greater densities permitted in Table 360-62B above, all developments shall be served by public sewer and public water.
- (3) All mixed residential developments shall meet the following mixing requirements:
  - (a) On parent tracts of less than 10 acres, the development shall include at least two different dwelling types. To qualify as one of the two required dwelling types, a dwelling type must comprise at least 25% of the total dwelling units in a mixed neighborhood residential development.
  - (b) On parent tracts of 10 acres or more, the following requirements shall be met:
    - [1] The development shall include at least three dwelling types. To qualify as one of the three dwelling types, a dwelling type must comprise at least 15% of the total dwelling units in a mixed neighborhood residential development.
    - [2] No dwelling type shall exceed the following maximum percentage of the total number of dwelling types:

<b>Dwelling Types</b>	<b>Maximum Percentage of Mix</b>
Single-family detached	50%
Village house	50%

Single-family semidetached	50%
Single-family attached	40%
Multiple-family	40%

D. Design standards. All neighborhood residential developments shall comply with the following standards:

- (1) General layout of mixed neighborhood residential developments.
  - (a) Mixed neighborhood residential developments should be designed so that the different dwelling types are well integrated, similar to patterns found in traditional village areas within Rye Township.
  - (b) In general, mixed residential neighborhood developments should be laid out so the single-family attached and multiple-family dwellings and apartments are located close to an established village setting (where one exists), close to existing or similar single-family attached and multiple-family dwellings and apartments on abutting tracts, close to major roadways, or close to the large required central open space park.
  - (c) At least 50% of the proposed multiple-family lots shall directly abut central open space, as defined in § 360-62E of this article, along at least 100 feet of the boundary or shall face central open space across a street for at least 100 feet of street length.
  - (d) To create variety along the streetscape, dwelling types shall be mixed along a street. The following lists the maximum number of dwelling units that may be located in a row on the same street. Breaks may be created by for at least four dwelling units of a different dwelling type or by open space with at least 150 feet of frontage on the street.

<b>Dwelling Types</b>	<b>Maximum Number of Dwelling Units in a Row Along One Side of a Street</b>
Single-family detached	10
Village house	10
Single-family semidetached	12
Single-family attached	16
Multiple-family	24

- (2) Pedestrian design standards.
  - (a) Sidewalks are required along all road frontages.
  - (b) Sidewalks are required to connect the road frontage sidewalks to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic.

- (c) Where culs-de-sac are permitted, sidewalk connections shall be required to connect the bulb of the cul-de-sac with the nearest through roadway. These sidewalks shall be located in a right-of-way with a width of at least 25 feet which is fenced, physically defined as a public walkway, and/or contains softening buffers.
  - (d) Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points.
- (3) Building design standards.
- (a) All dwelling units must have at least one primary entrance in the front facade. For single-family semidetached units, this requirement may be met if at least one of the units has its primary entrance in the front facade.
  - (b) Village houses must meet all of the following criteria:
    - [1] They shall contain a roofed but unenclosed porch extending across at least half of the front of the dwelling and being at least seven feet in depth.
    - [2] All front facing garages for village houses must be located at least 20 feet behind the building's front facade. All other off-street parking, including other garages or unenclosed parking spaces, must be located behind the building's front facade.
    - [3] All village houses shall contain at least one of the following features:
      - [a] A front yard raised above sidewalk grade by at least two feet.
      - [b] A front yard enclosed by a permanent ornamental wall or wooden fence between two and three feet in height or enclosed by a hedge of shrubs planted 18 inches apart across the width of the front yard.
      - [c] A first floor level of the house, including the front porch, which is raised at least two feet above ground level at the front facade of the building.
- (4) Parking design standards.
- (a) Garages and/or driveways should not be the dominant aspect of the building design as seen from the street.
  - (b) When garage doors face a street, the garage shall comprise no more than 30% of the total area of the front facade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of 10 feet. No more than two garage doors facing a street may be located in a row, and such rows of garage doors must be separated from any other garage door facing a street by at least 10 feet.
  - (c) Single-family detached and single-family semidetached units. Garages for single-family detached and single-family semidetached units shall meet one of the following design options:
    - [1] The garage is side entry so garage doors are perpendicular or radial to the street which the front facade faces.
    - [2] The garage is front entry and set back at least 10 feet from the front facade of the house.

- [3] The garage is located behind the rear facade of the house. This garage may be detached from or attached to the house and the garage doors may face any direction.
- [4] The garage is rear entry so garage doors are on the opposite side of the house from the front facade.
- (d) Single-family attached units.
  - [1] Interior units. Single-family attached units located in the interior or middle of single-family attached buildings shall meet the following requirements:
    - [a] Garages may be located behind the unit or may be located in the front, with the garage door facing the street, provided the garage complies with § 360-62D(4)(b) of this article.
    - [b] One off-street unenclosed parking space may be provided in a driveway located between the building and the street right-of-way. All other unenclosed off-street parking spaces must be located to the rear of the unit or in common parking to the side of single-family attached building.
  - [2] End units. Single-family attached units located at the end of single-family attached buildings shall meet the following requirements:
    - [a] Garages may be located behind the rear facade of the dwelling unit to may be side entry so that the garage doors are perpendicular or radial to the street which the front facade faces.
    - [b] Off-street unenclosed parking space may be located in the side or rear yards. They shall not be located between the front building and the street right-of-way.
- (e) Multiple-family units.
  - [1] Parking areas and/or garages for multiple-family buildings may not be located between the front facade of the building and the street. Instead, parking areas and/or garages shall meet one of the following requirements:
    - [a] The parking, whether consisting of surface spaces or garages, is located behind the rear facade of the building or buildings.
    - [b] The parking is in garages located to the side of the multiple-family building or buildings and the garage doors are side entry so garage doors are perpendicular or radial to the street which the front facade faces.
    - [c] Surface parking may be located to the side of the multiple-family buildings, provided the side of the parking lot facing the street frontage(s) shall be screened in accordance with Article XV, § 360-136, of this chapter or one of the following mechanisms:
      - [i] A low architectural wall, no less than three feet and no more than four feet in height (made of brick, stone, or other materials deemed appropriate by the Township).

[ii] Screen planting in the form of one canopy tree, two ornamental trees, two evergreen trees, and five shrubs per 100 feet of road frontage.

(f) Street and driveway standards.

- [1] Streets with mixed neighborhood residential developments shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.
- [2] Culs-de-sac shall be minimized. In no case shall a cul-de-sac exceed a length of 350 feet.
- [3] On parent tracts of 20 acres or more, new streets with a mixed neighborhood residential development shall have a street connectivity index of 1.40 or more. The street connectivity index shall be computed by dividing the number of new street links (defined as street segments between intersection and/or cul-de-sac bulbs) by the number of new street intersections/permanent cul-de-sac bulbs.
- [4] For mixed residential developments on tract of five acres or more, no lot or dwelling unit shall take driveway access from an existing collector or higher classification street.

E. Open space standards.

- (1) The following quantities of open space shall be provided by all developments containing 10 or more dwelling units:

<b>Type of Open Space</b>	<b>Minimum Amount to be Provided</b>
Total open space	20% of the gross parent tract area; total open space includes central space and the primary park
Central open space	10% of the gross parent tract area; central open space includes the primary park
Primary park	6% of the gross parent tract area or two acres, whichever is less

- (2) Total open space.
- (a) Open space may consist of central open space, primary park, active recreation facilities, passive open space, and other similar types of open space.
  - (b) No portion of any building lot or street right-of-way area may be used for meeting the open space requirement.
- (3) Central open space requirements.
- (a) All central open space shall meet one of the following design options
    - [1] Village green. Each village green shall be at least 20,000 square feet in size, shall be surrounded along at least 1/2 of its perimeter by roads, and shall be

configured so that a circle with a radius of 50 feet can fit within the confines of the green.

- [2] Parkway. Each parkway shall have a minimum average width of 35 feet, shall have a length of at least 150 feet, and shall be surrounded by streets on all sides.
- [3] Eyebrow. Each eyebrow shall be surrounded by streets on all sides, shall be generally configured as a semicircle, and shall be configured so that a circle with a radius of 30 feet can fit within the confines of the eyebrow.
- [4] Cul-de-sac island. Each cul-de-sac island shall be located in the bulb of the cul-de-sac, shall have a radius of at least 30 feet, and shall be surrounded by streets on all sides.

(b) Additional central open space standards.

- [1] All units within a mixed neighborhood residential development shall be located within 800 feet of some type of central open space.
- [2] In accordance with Chapter 320, Subdivision and Land Development, healthy trees and shrubs shall be preserved within central open space areas.
- [3] Street trees shall be provided along the perimeter of central open space areas that border streets, in accordance with Chapter 320, Subdivision and Land Development.
- [4] All portions of central open space areas, except for those areas under sidewalks, water, recreational structures or other furnishings, shall be landscaped with trees, shrubs, ground cover or grass.
- [5] Stormwater detention basins and other stormwater management structures and areas, except for permanent wet ponds, shall not be located in the central open space areas used to meet the minimum amount of required central open space. Each cul-de-sac island shall be located in the bulb of the cul-de-sac, shall have a radius of at least 30 feet, and shall be surrounded by streets on all sides.

(4) Primary park requirements.

- (a) A primary park shall be located near the middle of the development and shall be easily and conveniently accessible from all lots and dwelling units in the development.
- (b) The primary park shall be accessible by sidewalk or paved trail from every home in the development.
- (c) On tracts of 10 acres or more, the primary park shall be configured as a village green, in accordance with § 360-62E(3)(a)[1] of this article. On tracts under 10 acres, the park may be configured as any of the options in § 360-62E(3)(a) of this article.
- (d) The primary park shall be improved with either a gazebo, pavilions, or paved patio area with benches or other treatments to help identify this park as the central

gathering place for the development. This improvement shall be minimum of 300 square feet in size.

F. Development restrictions. All open space land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space land at any time.

G. Ownership and maintenance of common open space and facilities.

(1) Ownership options. The following methods may be used, either individually or in combination, to own common open space land and facilities. Common open space land and facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space land ratio of the overall development. Ownership methods shall conform to the following:

(a) Fee simple dedication to the Township. The Township may, but shall not be required to, accept any portion of the common open space land or facilities, provided that:

[1] There is no cost of acquisition to the Township; and

[2] The Township agrees to and has access to maintain such facilities.

(b) Condominium association. Common open space land and facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open space land and common facilities shall be held as common element. In addition to the provisions of this section, all requirements of Chapter 320, Subdivision and Land Development, regarding community associations shall be met.

(c) Homeowners' association. Common open space land and facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes, and all provisions set forth in Chapter 320, Subdivision and Land Development, regarding homeowners' associations. In addition, the following regulations shall be met:

[1] The applicant shall provide the Township a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common open space land and facilities.

[2] The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.

[3] Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

[4] The association shall be responsible for maintenance and insurance of common open space land and facilities.



- [5] The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- [6] Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common open space land and facilities must be given to all members of the association and to Rye Township no less than 30 days prior to such event.
- [7] The association shall have adequate staff to administer, maintain, and operate such common open space land and facilities.
- (d) Private conservation organization or Perry County. With permission of the Board of Supervisors, an owner may transfer either fee simple title of the open space land or easements on the open space to a private nonprofit conservation organization or to Perry County, provided that:
  - [1] The conservation organization is acceptable to Rye Township and is a bona fide conservation organization intended to exist indefinitely.
  - [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Perry County becomes unwilling or unable to continue carrying out its functions.
  - [3] The open space land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.
  - [4] A maintenance agreement acceptable to Rye Township is established between the owner and the organization or Perry County.
- (e) Dedication of easements to Rye Township. Rye Township may, but shall not be required to, accept easements for public use of any portion of the common open space land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:
  - [1] There shall be no cost of acquisition to the Township.
  - [2] Any such easements for public use shall be accessible to the residents of the Township.
  - [3] A satisfactory maintenance agreement shall be reached between the owner and the Township.
- (2) Maintenance.
  - (a) Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

- (b) The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance of open space lands and operation of common facilities in accordance with the following requirements:
- [1] The plan shall define ownership.
  - [2] The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
  - [3] The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
  - [4] At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.
  - [5] Any changes to the maintenance plan shall be approved by the Board of Supervisors.
- (c) In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- (d) The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action shall be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and shall include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of Perry County.

### **§ 360-63. Maximum impervious lot coverage.**

The maximum impervious coverage shall be as indicated in Table 360-59B. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development and protect the watershed by retaining as many trees as possible, limiting runoff and preventing erosion.

### **§ 360-64. Utilities.**

All plans for public or common sewerage collection and treatment systems and public or common water supplies shall be subject to the review and approval by the Board of Supervisors and the Pennsylvania Department of Environmental Protection and any appropriate municipal authority.

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ARTICLE IX  
**RV — Residential Village District**

**§ 360-65. Intended purpose.**

The purpose of this district is to preserve the existing residential character of the land in the district and its residential services and to exclude those uses which would not be compatible with the existing development; to provide for the public convenience and to avoid overcrowding of the land and undue congestion on the streets. In the RV Residential District, the following regulations shall apply.

**§ 360-66. Permitted uses not referenced to NAICS Manual.**

The following uses are permitted in this zoning district subject to all applicable sections of this article, and all applicable supplemental provisions in Article XV:

- A. All principal and accessory uses permitted in R-2 District except mobile home parks.

**§ 360-67. Permitted uses referenced to NAICS Manual.**

The North American Industrial Classification System (NAICS), as amended, published by the United States Office of Management and Budget, shall be the deciding reference source in determining the suitability of any proposed use to the Residential Village District. Use categories listed in Table 360-67 are referenced by their NAICS code number. Permitted uses listed are deemed to include all uses classified by the NAICS Manual under the same code number. The following uses are permitted in this zoning district subject to all applicable sections of this article and all applicable supplemental provisions in Article XV:

**Table 360-67  
NAICS Use Categories**

**NAICS No. \*Category**

111	Crop production
44-45	Retail trade
52	Finance and insurance
53	Real estate and rental and leasing
54	Professional, scientific, and technical services
55	Management of companies and enterprises
561	Administrative and support services
61	Educational services
62	Health care and social assistance

712	Museums, historical sites, and similar institutions
722	Food services and drinking places
81	Other services (except public administration)
92	Public administration

NOTES:

\* Two-digit classifications include all three-digit and four-digit classification beginning with the same two-digit number, likewise, three-digit classifications include all four-digit classifications beginning with the same three-digit number

**§ 360-68. Area, width, yard and coverage regulations.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-68A.

**Table 360-68A  
Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Require Minimum Lot Size* (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	2
Greater than 50% of the building lot has a slope of 15% or more	4

NOTES:

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes)

B. The minimum lot area per dwelling unit shall be not less than two acres, with a minimum lot width of no less than 200 feet at the required front building line on an interior lot and on each side facing a street on a corner lot. If public water and sewer are provided, the building lot area per dwelling unit and lot width at the required front building line shall be not less, and the coverage shall be no greater, than indicated in Table 360-68B for building lots where 50% or more of the building lot has a slope of 0% to 14%. For building lots where more than 50% of the building lot has a slope of 15% to 25%, the building lot area shall be doubled.

<b>Table 360-68B</b>					
<b>Alterations to Lot Requirements for Properties Served by Public Water and Sewer</b>					
	<b>Single-Family Detached</b>	<b>Single-Family Semidetached</b>	<b>Single-Family Attached</b>	<b>Multiple-family Structures</b>	<b>Nonresidential Structures</b>
Minimum lot area* (square feet)	7,200 per DU	7,200 per DU	4,500 per DU	3,000 per DU	7,200
Minimum lot width (feet)	50	50	24 interior/ 34 exterior	N/A	50
Minimum required front yard setback (feet)	10				30 from any collector or higher classification; 10 from any other street classification
Minimum side yard (feet)	5	5	10 per end unit	20	Between 5 and 25
Minimum rear yard (feet)	15				15
Maximum building coverage (percent)	40%	40%	40%	30%	50%
Maximum impervious coverage (percent)	50%	50%	50%	55%	70%
Maximum units per building	1	2	8	8	N/A
Maximum building length (feet)	N/A	N/A	N/A	N/A	75

**NOTES:**

\* Lot not served by public water and sewer must have a minimum lot area of two acres per dwelling unit; a minimum lot width at the required front building line on an interior lot and on each side facing a street on a corner lot of 200 feet; and a minimum lot depth for all types of dwellings of 200 feet.

C. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-69. Maximum impervious lot coverage.**

The maximum impervious coverage shall be as indicated in Table 360-68B. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development and protect the watershed by retaining as many trees as possible, limiting runoff and preventing erosion.

**§ 360-70. Building height.**

The height of a principal building shall be no greater than 35 feet; except a building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation. In no case shall it exceed 50 feet in height. No accessory building or structure shall exceed one story, or 25 feet in height, except that buildings or structures devoted for farm use shall be exempt from height regulations.

**§ 360-71. Off-street parking.**

Parking shall be provided for in accordance with Article XVII of this chapter, except that parking lots for mixed uses and nonresidential uses are prohibited in the front yard.

**§ 360-72. Signs.**

Signs shall be in accordance with Article XIV of this chapter.

**§ 360-73. Utilities.**

All plans for public or common sewerage collection and treatment systems and public or common water supplies shall be subject to the review and approval by the Board of Supervisors and the Pennsylvania Department of Environmental Protection and any appropriate municipal authority.

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ARTICLE X  
C — Commercial District

**§ 360-74. Intended purpose.**

These districts are designed to serve as retail marketing centers for the Township. This district is intended for a wide range of shopping and service functions that can provide adequate comparison shopping activities.

**§ 360-75. Permitted uses not referenced to NAICS Manual.**

The following uses are permitted in this zoning district subject to all applicable sections of this article, and all applicable supplemental provisions in Article XV:

A. All principal and accessory nonresidential uses permitted in RV Zoning District.

**§ 360-76. Permitted uses referenced to NAICS Manual.**

The 2002 United States NAICS Manual North American Industry Classification System, United States, 2002, as amended, by the United States Office of Management and Budget (OMB), shall be the deciding reference source in determining the suitability of any proposed use to the

Commercial District. Use categories listed in Table 360-76 are referenced by their NAICS code number. Permitted uses listed are deemed to include all uses classified by the NAICS Manual under the same code number. The following uses are permitted in this zoning district subject to all applicable sections of this article and all applicable supplemental provisions in Article XV:

**Table 360-76  
NAICS Use Categories**

<b>NAICS No.</b>	<b>*Category</b>
2211	Electric power generation, transmission and distribution
2212	Natural gas distribution
51	Information
56	Administrative and support and waste management and remediation services
53	Real estate and rental and leasing
71	Arts, entertainment, and recreation (within a completely enclosed building)
72	Accommodation and food services
81	Other services (except public administration)
92	Public administration
11	The growing of crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats
None	Wholesale and retail business or storage in connection with and/or compatible to permitted uses.

NOTES:

\* Two-digit classifications include all three-digit and four-digit classifications beginning with the same two-digit number, likewise, three-digit classifications include all four-digit classifications beginning with the same three-digit number.

**§ 360-77. Lot area.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-77.

**Table 360-77  
Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Require Minimum Lot Size* (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	2

Greater than 50% of the building lot has a slope of 15% or more

4

NOTES:

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes).

B. The size of the lot area shall also be determined by the size of the building/buildings, yard, parking requirements, and sewerage system. Minimum lot area is two acres; with a minimum lot width at the required front building line shall not be less than 200 feet.

**§ 360-78. Yard requirements.**

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

A. Front yard depth: 35 feet.

B. Two side yards: 10 feet in width on each side of a principal building on an interior lot; on a corner lot, the side yard abutting the street shall be not less than 30 feet in width, 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 20 feet in width, shall be provided at grade level at intervals of not more than 400 feet. C. Rear yard depth: 15 feet.

C. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-79. Buffer yard.**

Buffer yards are required where abutting any residential zoning district or existing residential use and shall not be less than 50 feet, with a landscaped strip of not less than 20 feet in width planted and maintained with vegetative screening materials. The side or rear yards can be included as part of the buffer yard. Thirty feet minimum height and 75% opacity shall be used for screening.

**§ 360-80. Maximum impervious lot coverage.**

The maximum impervious coverage shall be no more than 50%. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development and protect the watershed by retaining as many trees as possible, limiting runoff and preventing erosion.



**§ 360-81. Building height.**

No building shall exceed three stories or 35 feet in height; except the height of any building may exceed 35 feet in height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulations of § 360-78, but in no case shall exceed 50 feet.

**§ 360-82. Off-street parking.**

Parking shall be provided for in accordance with Article XVII of this chapter.

**§ 360-83. Signs.**

Signs shall be in accordance with Article XIV of this chapter.

**§ 360-84. Utilities.**

Permitted nonresidential uses in this district shall require public or common sewerage collection and treatment systems and public or common water supplies. All plans for public or common sewer and water supplies shall be subject to the review and approval by the Board of Supervisors and the Pennsylvania Department of Environmental Protection and any appropriate municipal authority.

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ARTICLE XI  
**IML — Industrial/Manufacturing Limited District**

**§ 360-85. Intended purpose.**

The regulations applying to Industrial/Manufacturing Limited Districts are intended to maximize industrial potential while ensuring compatibility with the surrounding, less intense use districts.

**§ 360-86. Permitted uses not referenced to NAICS Manual.**

The following uses are permitted in this zoning district subject to all applicable sections of this article and all applicable supplemental provisions in Article XV.

A. All principal and accessory nonresidential uses permitted in Commercial Zoning District.

**§ 360-87. Permitted uses referenced to NAICS Manual.**

The 2002 United States NAICS Manual, North American Industry Classification System, United States, 2002, as amended, published by the United States. Office of Management and Budget (OMB) shall be the deciding reference source in determining the suitability of any proposed use to the Industrial/Manufacturing Limited District. Use categories listed in Table 360-87 are referenced by their NAICS code number. Permitted uses listed are deemed to include all uses

classified by the NAICS Manual under the same code number. The following uses are permitted in this zoning district subject to all applicable sections of this article, and all applicable supplemental provisions in Article XV.

**Table 360-87**  
**NAICS Use Categories NAICS**

<b>No. *Category</b>	
22	Utilities
23	Construction
31-33	Manufacturing
48-49	Transportation and warehousing
71	Arts, entertainment, and recreation

**NOTES:**

\* Two-digit classifications include all three-digit and four-digit classifications beginning with the same two-digit number, likewise, three-digit classifications include all four-digit classifications beginning with the same three-digit number.

**§ 360-88. Lot area.**

A. The slope of the parcel shall determine the density per area as shown in Table 360-88.

**Table 360-88**  
**Lot Area Characteristics**

<b>Lot Characteristics</b>	<b>Require Minimum Lot Size* (acres)</b>
Equal to or greater than 50% of the building lot has a slope of 0% to 14%	2
Greater than 50% of the building lot has a slope of 15% or more	4

**NOTES:**

\* The required minimum lot area shall not include areas equal to or greater than 25% (restrictive slopes)

B. The size of the lot area shall also be determined by size of the building/buildings, yard, parking requirements, and sewerage system. Minimum lot area is two acres with a minimum lot width at the required front building line of 200 feet.

**§ 360-89. Yard requirements.**

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

- A. Front yard depth: 40 feet.
- B. Two side yards: 10 feet in width for each side of a principal building on an interior lot; on a corner lot, the side yard abutting the street shall be not less than 30 feet in width, provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two or more manufacturing uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownership.
- C. Rear yard depth: 30 feet.
- D. Accessory buildings are permitted in the front yard if the lot is of sufficient depth that the accessory building is no closer than 150' from the right-of-way line.

**§ 360-90. Maximum impervious lot coverage.**

The maximum impervious coverage shall be no more than 80%. The remaining acreage shall be covered with trees and existing vegetative materials so as to retain the character of the land as it existed prior to development and protect the watershed by retaining as many trees as possible, limiting runoff and preventing erosion.

**§ 360-91. Buffer yard.**

Buffer yards are required where abutting any residential zoning district or existing residential use and shall be not less than 50 feet with a landscaped strip of not less than 20 feet in width planted and maintained with vegetative screening materials. The side or rear yards can be included as part of the buffer yard; 30 feet minimum height and 75% opacity shall be used for screening.

**§ 360-92. Building height.**

No building shall exceed three stories or 35 feet in height; except the height of any building may exceed 35 feet in height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulations of § 360-89, but in no case shall it exceed 50 feet.

**§ 360-93. Off-street parking.**

Parking shall be provided for in accordance with Article XVII of this chapter.

**§ 360-94. Signs.**

Signs shall be in accordance with Article XIV of this chapter.

**§ 360-95. Utilities.**

Permitted nonresidential uses in this district shall require public water and sewer. All plans for public sewer and public water supplies shall be subject to the review and approval by the Board of Supervisors and the Pennsylvania Department of Environmental Protection.

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ARTICLE XII  
**PRD — Planned Residential Development District**

**§ 360-96. Intended purpose.**

The purpose of this district is:

- A. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings, and by the conservation and more efficient use of open space adjacent to said dwellings.
- B. To extend opportunities for better housing and recreation to all citizens and residents of Rye Township.
- C. To encourage a more efficient use of land and of public services.
- D. To reflect and embrace changes in the technology of land development so that economic savings may benefit those who need homes.
- E. To provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas.
- F. To ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

**§ 360-97. Tentative approval.**

Whenever a planned residential development is desired to be effected in the Agricultural, R-1, R2, and RV Districts, a plat of the layout of such planned residential development shall be prepared, filed, and processed according to the requirements of this article.

**§ 360-98. Procedure for tentative approval.**

- A. The applicant, not less than 15 days or more than 20 days prior to the meeting of the Rye Township Planning Commission at which consideration is desired, shall file 15 copies of a plan of the proposed planned residential development and two copies of the application for review of the PRD together with the supporting information listed under § 360-99.
- B. The Township shall submit a copy of the plan to the Perry County Planning Commission, the Township Engineer, public utilities, school district, the Perry County Conservation District and other public agencies for advice and comment as part of the Board of Supervisors' review.
- C. The Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, within 60 days after the filing of the application. The Board of Supervisors may schedule

additional hearings, however, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

D. Actions by Board of Supervisors.

- (1) The governing body, or the planning agency, within 60 days following the conclusion of the public hearing provided for in this article or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
  - (a) Grant tentative approval of the development plan as submitted;
  - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - (c) Deny tentative approval to the development plan.
- (2) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

E. The granting or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the granting of approval, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

- (1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township;
- (2) The extent to which the development plan departs from zoning and/or subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- (3) The purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy and inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
- (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;

- (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
  - (6) In the case of a development plan that proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development, in the integrity of the development plan.
- F. In the event a development plan is granted tentative approval, with or without conditions, an application for final approval of the development shall be filed not later than six months after the date of tentative approval. In the case of a development plan that provides for development over a period of years, applications for final approval of each part of the plan shall be filed within 12 months of the previous application for final approval of a portion of the development.
  - G. The official written communication provided for in this article shall be certified by the Secretary of the Board of Supervisors and shall be filed in the office of the Township and a certified copy shall be mailed to the landowner.
  - H. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.
  - I. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Supervisors, in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time and the same shall be noted in the records of the Secretary of the Board of Supervisors.

**§ 360-99. Specifications of plans for tentative approval.**

The applicant shall submit, for review by the Township Planning Commission and Board of Supervisors, a plan drawn on a map of the property showing the following information, together with the supporting information and documentation listed below:

- A. A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the Township;

- B. The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
- C. The density of land use to be allocated to parts of the site to be developed;
- D. The location and size of the common open space and the form of organization proposed to own and maintain the common open space;
- E. The use and the approximate height, bulk, and location of buildings and other structures;
- F. The feasibility of proposals for the disposition of sanitary wastes and stormwater;
- G. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities;
- H. The provisions for parking of vehicles and the location names, width of rights-of-way, width of cartways, and paving of proposed streets and easements;
- I. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;
- J. The location, size, and type of planting for buffer yards;
- K. The location and size of areas to be set aside for schools, parks, recreation or other public purposes;
- L. A copy of a report on soil characteristics of the site prepared by the Perry County Conservation District so that the Board of Supervisors may determine the type and degree of development the site may accommodate because of the limitation of soil as related to basement and foundation construction, street and parking area construction, and grading conditions; and
- M. A plan for minimizing soil erosion and sedimentation as outlined in Chapter 320, Subdivision and Land Development.

**§ 360-100. Final approval.**

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Board of Supervisors within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond, and such other requirements as may be specified by this article, or other applicable Township ordinances as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or part thereof, submitted for final approval, is in compliance

with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

**§ 360-101. Procedure for final approval.**

- A. The applicant shall, not later than six months after the date of tentative approval of the planned residential development, on that portion he intends to develop, file an application for final approval with the Board of Supervisors.
- B. In the case of development plans that provide for development over a period of years, applications for final approval of each part of a plan shall be filed not later than 12 months from each previous application for final approval of a portion of the development.
- C. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this chapter and the official written communications of tentative approval, the Board of Supervisors shall, within 45 days of such filing, grant, such development plan final approval.
- D. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval, and shall, with 45 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
  - (1) Refile his application for final approval without the variations objected; or
  - (2) File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Board of Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article.
- E. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed or recorded forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the



provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

- F. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within one year after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to this chapter in the manner prescribed for by this chapter.

### **§ 360-102. Specifications of plans for final approval.**

The applicant shall submit for review by the Township Planning Commission and Board of Supervisors a plan with the following information:

- A. On reproducible linen, or other reproducible material of equal quality at a scale of one inch equals 100 feet, primary control points, approved by the Engineer, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- B. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves.
- C. Name and right-of-way width of each street or other right-of-way.
- D. Location, dimensions, and purpose of easements.
- E. Number to identify each lot and/or site when applicable.
- F. Purpose for which sites other than residential lots are dedicated or reserved.
- G. Building setback lines on all lots and other sites.
- H. Location and description of survey monuments.
- I. Names or record owners of adjoining unplatted land.
- J. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- K. Certification by a registered surveyor and registered engineer, licensed in the State of Pennsylvania, certifying to the accuracy of survey and plat.
- L. Certification of title showing that applicant is the owner of land, agent of the landowner, or tenant with permission of the landowner.
- M. Statement by owner dedicating streets, rights-of-way and any sites for public uses that are to be dedicated.
- N. Proposed protective covenants running with the land, if any.

- O. Proposed contours at vertical intervals of five feet or less as required by the Commission.
- P. The location and types of erosion and sediment control measures.
- Q. Other data. The plat shall be accompanied by the following data in form prescribed by the Township Engineer:
  - (1) Profiles of streets and alleys showing grades.
  - (2) Typical cross sections of streets and alleys showing the width of right-of-way, width of cartway, location and width of sidewalks, if required, and location and size of utility mains.
  - (3) Plans and profiles of proposed sanitary system, plans for stormwater with grades and pipe size indicated, and proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
  - (4) Such other certificates, affidavits, endorsements, dedication, and documents for the method of maintaining and conserving common open space as required by the Board of Supervisors in the enforcement of these regulations.

**§ 360-103. Permitted uses and standards for the density and location of buildings.**

- A. Permitted residential uses shall be:
  - (1) Single-family, detached.
  - (2) Single-family, semidetached.
  - (3) Single-family, attached.
  - (4) Two-family, detached.
  - (5) Two-family, semidetached.
  - (6) Multifamily.
  - (7) Group apartments.
  - (8) Cluster dwellings.
- B. Permitted nonresidential uses. Permitted nonresidential uses are shown in Table 360-103B.

**Table 360-103B  
NAICS Use Categories**

<b>NAICS No.</b>	<b>*Category</b>
526	Garden shops
54	Food stores
5812	Eating places
591	Drugstores
593	Miscellaneous shopping goods stores

5992	Florists
5994	News dealers
60	Banking
61	Credit agencies
621	Security brokers
64	Insurance agents
65	Real estate
7215	Coin-operated laundries and cleaning
722	Photographic studios
723	Beauty shops
724	Barber shops
80	Health services
81	Legal services

**NOTES:**

\* Two-digit classifications include all three-digit and four-digit classifications beginning with the same two-digit number, likewise, three-digit classifications include all four digit classifications beginning with the same three-digit number.

**C. Density.**

(1) The maximum allowable average net residential density (dwelling units per net acre) permitted shall be determined by the existing zoning district in which the planned residential development is located and as specified in Table 360-103C. Net development density shall be determined by subtracting the area set aside for churches' and schools' use from the total or gross planned residential development area and deducting 15% of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space and recreational use may be included in determining the number of dwelling units permitted.

**Table 360-103C  
Number of Dwelling Units Permitted Based on Zoning District**

<b>Existing Zoning District</b>	<b>Dwelling Units Per Net Acre*</b>
Agricultural	2
Residential R-1	3
Residential R-2	5
Residential Village (RV)	8

NOTES:

\* Subject to an approved form of sanitary sewage disposal and safe water supply to the entire project area.

- (2) A minimum of 25% of all dwelling units permitted shall be detached single-family units. This provision may be waived by specific action by the Board of Supervisors for cause shown.
- D. Minimum plot. The minimum plot for a planned residential development shall not be less than 25 acres.
- E. Setbacks. All structures shall be set back from both public and private right-of-way lines not less than 30 feet and not less than 50 feet from all adjacent property lines to the planned residential development tract, respectively.
- F. Building height. No building shall be erected to a height in excess of 35 feet; provided, however, that this height limit may be increased one foot for each additional foot that the width of each yard exceeds the minimum required.
- G. Interior yards. Interior yards and/or structural spacing shall be provided in accordance with the following schedule:
- (1) Front to front: 70 feet.
  - (2) Front to side: 50 feet.
  - (3) Front to rear: 70 feet.
  - (4) Corner to corner: 20 feet.
  - (5) Side to rear: 30 feet.
  - (6) Side to side: 15 feet.
  - (7) Rear to rear: 50 feet.
- H. Vegetative cover. At least 50% of the gross area of the planned residential development shall be maintained with a vegetative material.
- I. Common open space.
- (1) A minimum of 25% of the gross area shall be set aside as common open space areas within the planned residential development.
  - (2) Common open space areas not dedicated to the general public shall be held in corporate ownership by private owners of the lots or parcels of land in the planned residential development area; and the developer shall incorporate into the deeds of the owners an interest in such common open space, indicating the use to be made of such common open space, and providing a means of permanent maintenance of this common space. All common open space areas which, in the opinion of the Township, should be developed as recreation areas shall be improved by the developer in a manner acceptable to the Township prior to final plan approval of the planned residential development or section thereof.

- (3) Recreation areas.
  - (a) Recreation areas shall be provided in accordance with criteria and standards in § 320-46 of Chapter 320, Subdivision and Land Development.
  - (b) In the case of a development plan that proposes development over a period of years, recreation and park areas shall be shown on the tentative plan in such a manner as to provide playgrounds and parks of adequate size acceptable to the Township.

J. Commercial areas.

- (1) No commercial enterprise shall be permitted to operate except in the area designated in the planned residential development plan for commercial uses. The permitted uses designed to serve the neighborhood or development may be constructed, provided that:
  - (a) They shall be so located as to minimize traffic problems and be served by main access roads and not primarily residential streets.
  - (b) There shall be no outside storage or display of material, equipment or merchandise.

(2) Area.

- (a) The area for commercial use shall not exceed the following:

25 to 75 acres	10% of tract
75 to 150 acres	8% of tract
150 to 250 acres	7% of tract
250 acres and up	6% of tract

- (b) At least 50% of the residential dwelling unit construction shall be completed before any commercial construction may begin, and at no time shall the commercial structures or uses exceed the percentage requirements set forth above.
- (3) The permissible lot coverage of commercial buildings in the development commercial center areas shall not exceed 25% of the land area designated for commercial use of the proposed plan.
- (4) The required parking spaces shall be provided in accordance with the provisions of this chapter, except that they shall be situated on the same lot within not more than 200 feet of the commercial buildings to be serviced.
- (5) Where a commercial area adjoins a residential area within the planned development or in adjacent land around the perimeter of the development, a buffer yard shall be required in addition to the setback and yard requirements. The buffer yard shall be as required by this chapter and shall be covered with ground cover and screen plantings.
- (6) Screen plantings shall be provided in conformity with the requirements of Article XV, § 360-136, of this chapter.

- K. Utilities. A planned residential development shall be served by a public or common sewerage collection and treatment system and a public or common water supply. All plans for such systems shall be subject to the review and approval by the Board of Supervisors and the Pennsylvania Department of Environmental Protection.
- L. Off-street parking. Parking for the planned residential development shall be provided in accordance with Article XVII of this chapter.
- M. Signs. Signs for the planned residential development shall be erected in accordance with Article XIV of this chapter.

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**ARTICLE XIII**  
**Riparian Buffer Regulations**

**§ 360-104. Intent.**

The intent of this article is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate development practices in order to preserve and restore the environmental, economic, and aesthetic value of riparian buffers.
- C. Minimize danger to public health by protecting water resources.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preserving and restoring riparian buffers.
- E. Comply with federal and state water quality management requirements.
- F. Provide water quality and habitat benefits of riparian buffers which include:
  - (1) Filtration and reduction of sediment entering streams.
  - (2) Reduction of nutrients and other contaminants entering streams.
  - (3) Provide and protect in-stream and riparian habitat.
  - (4) Preserve and restore flood carrying and storage capacity of streams.

**§ 360-105. Abrogation and greater restrictions.**

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

**§ 360-106. Applicability.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Rye Township unless a zoning permit has been obtained from the Zoning Officer.
- B. A zoning permit shall not be required for minor repairs to existing buildings or structures.

**§ 360-107. Issuance of zoning permit.**

- A. The Zoning Officer shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made. These permits include, but are not limited to:
  - (1) Permits for activities or obstructions in the floodway (as delineated on municipal Flood Insurance Study maps) or within 50 feet of the top of a stream bank where no floodway is delineated. Contact the Conservation District or regional office of the Department of Environmental Protection for more information.
  - (2) Permits for discharge of stormwater from construction activities required under the National Pollutant Discharge Elimination System Program. Contact the County Conservation District for additional information.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

**§ 360-108. Application procedures and requirements.**

- A. Application for such a zoning permit shall be made, in writing, to the Zoning Officer on forms supplied by Rye Township. Such application shall contain the following:
  - (1) Name and address of applicant.
  - (2) Name and address of owner of land on which proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location including address.
  - (5) Listing of other permits required.

- (6) A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified riparian buffer area, applicants for zoning permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that all such proposals are consistent with the need to preserve the riparian buffer and conform with the requirements of this and all other applicable codes and ordinances;
  - C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
    - (1) A completed zoning permit application form.
    - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
      - (a) North arrow, scale, and date;
      - (b) Topographic contour lines;
      - (c) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
      - (d) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
      - (e) The location of all existing streets, drives, and other accessways; and
      - (f) The location of any existing bodies of water or watercourses, the Chapter 93 water quality designation of such streams, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
      - (g) The boundary and composition of existing riparian buffers.
      - (h) The proposed boundary and composition of the riparian buffer area.
      - (i) The location and boundaries of wetlands, entirely or partially within the riparian buffer. The presence or absence of wetlands must be certified and delineated in accordance with the 1987 United States Army Corps of Engineers Manual for Identifying and Delineating Wetlands by a qualified entity.
    - (3) The following data and documentation:
      - (a) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
      - (b) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
      - (c) A narrative plan for the establishment of a riparian buffer area. Such plan shall include a discussion of the species of vegetation to be established, a schedule for



establishment of the riparian buffer area and recommended maintenance procedures and a maintenance schedule for the riparian buffer. Where existing buffers are used to meet the requirements of this article, the narrative shall discuss any modifications or expansions needed to the existing buffer.

**§ 360-109. Review of application by others.**

A copy of all plans and applications for any proposed construction or development in any identified riparian buffer area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

**§ 360-110. Changes.**

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

**§ 360-111. Placards.**

In addition to the zoning permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the zoning permit, the date of its issuance, and be signed by the Zoning Officer.

**§ 360-112. Start of construction.**

- A. Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the zoning permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
- B. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

**§ 360-113. Inspection and revocation.**

- A. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

- B. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified riparian buffer area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.
- C. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- D. A record of all such inspections and violations of this chapter shall be maintained.

**§ 360-114. Appeals.**

- A. Any person aggrieved by any action or decision of the Zoning Officer concerning the administration of the provisions of this chapter, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination, or action of the Zoning Officer.
- B. Upon receipt of such appeal the Zoning Hearing Board shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief there from by appeal to court as provided by the laws of this Commonwealth.

**§ 360-115. Identification of riparian buffer areas.**

- A. The regulated riparian buffer shall consist of the area measuring 50 feet from the top of the stream bank, measured perpendicularly, landward. For streams or tributaries to streams classified as high quality or exceptional value, the buffer shall be 100 feet.
- B. The riparian buffer shall be located on both sides of all perennial and intermittent streams.
- C. Perennial and intermittent streams shall be shown on all applications for zoning permits, and subdivision, or land development plans.

**§ 360-116. New construction.**

- A. Any new construction, development, uses or activities allowed within any riparian buffer area shall be undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances, and regulations.
- B. As riparian buffer areas are similar in location to floodplains, all activities allowable within riparian buffer areas must comply with Article XX, Floodplain Overlay Regulations. Where there is a conflict between any of the provisions of this article and Article XX, Floodplain Overlay Regulations, the more restrictive provision shall apply.

**§ 360-117. Existing uses.**

- A. Where a lot or parcel that has been legally created and recorded prior to the effective date of this chapter is located entirely or partially within any identified riparian buffer area, the following conditions apply:
- (1) If the lot or parcel is located entirely within any identified riparian buffer area, the Zoning Hearing Board may grant an exception. Such development shall be in full compliance with all other requirements of this chapter.
  - (2) If the lot or parcel is located partially within any identified riparian buffer area, development shall be confined to the area outside of the riparian buffer area to the maximum extent practical. If the area outside of the riparian buffer area is insufficient for the proposed use, the Zoning Hearing Board may grant an exception. Such development shall be in full compliance with all other requirements of this chapter.
  - (3) In either case above, the riparian buffer shall be established and maintained to the maximum extent practical as per this article.
  - (4) Where a wetland exists within the buffer area, the buffer shall be extended landward to provide a minimum buffer of 25 feet, as measured perpendicularly from the wetland boundary. For exceptional value or high quality streams, or tributaries to such streams, this distance shall be 50 feet.
  - (5) Where a lot or parcel that has been legally created and recorded prior to the effective date of this chapter is located entirely or partially within any identified riparian buffer area, existing uses within the buffer are permitted to continue, provided that the use does not entail construction or development other than as provided for in this article within the buffer.
- B. Where an existing lot or parcel is subdivided, all legal and permitted activities or structures existing within the buffer as of the effective date of this chapter shall be permitted to continue subject to the following:
- (1) The riparian buffer shall be established to the maximum extent practical as per this article.
  - (2) No new development or expansion of existing activities shall be allowed within the riparian buffer area.
  - (3) Any changes in the use of the lot or parcel shall be considered a new use and shall be subject to the full requirements of this chapter.

**§ 360-118. New uses.**

- A. Creation of new lots.
- (1) Any new lots or parcels created after the effective date of this chapter shall contain adequate area outside of the riparian buffer area for the proposed use.

- (2) Development activities for lots or parcels created after the effective date of this chapter shall comply with all provisions of this chapter. This requirement is not intended to supersede other sections of this chapter.
- (3) Where a new lot or parcel is created through subdivision or any other means, a riparian buffer shall be established in accordance with this article.
- (4) No exceptions shall be granted for development of any lot or parcel created after the effective date of this chapter.
- B. The conversion of land within the buffer area from an existing use to a nonexisting use, whether through a subdivision, land development, construction, or other means, shall be in full compliance with this article. This includes conversion of land to agricultural uses.
- C. Subdivision plans approved by Rye Township after the effective date of this article shall contain the following:
  - (1) All information required by this article.
  - (2) Restrictions, prohibitions, and requirements of the buffer area.

**§ 360-119. Buffer requirements.**

- A. Where a riparian buffer is required under this article the riparian buffer shall be established as follows:
  - (1) The buffer shall be a minimum of 50 feet measured perpendicularly from the top of the stream bank landward. For streams or tributaries to streams classified as high quality or exceptional value, the buffer width shall be 100 feet.
  - (2) The buffer shall consist of appropriate native species.
  - (3) The following uses, and no other uses, shall be permitted in the buffer:
    - (a) Footpaths, trails, and bike paths, provided that:
      - [1] The above are limited to five feet in width.
      - [2] The width may be increased, subject to the approval of the governing body, provided a corresponding increase in the buffer is provided.
      - [3] The above shall be constructed in such a manner as to minimize the impact to the buffer during and after construction.
      - [4] To the greatest extent practical, allowable uses shall not create concentrated flows within or across the buffer area.
    - (b) Stream crossings, provided the crossing is designed and constructed in such a manner as to minimize the impact to the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of the construction.
    - (c) Utility lines, provided that the crossing is designed and constructed in such a manner as to minimize the impact to the buffer, and provided that there is no practical alternative to locating the utility line within the buffer. The riparian buffer

shall be restored to its original condition, to the maximum extent practical, upon completion of the construction.

- (d) Removal of vegetation necessary to maintain the riparian buffer.
- (e) Maintenance and restoration of the riparian buffer.
- (f) Projects conducted with the objective of improvement; stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers or aquatic habitat and maintenance activities associated with such projects. These projects include but are not limited to agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from PA DEP prior to starting the project.
- (g) Minor private recreational uses for the property owner. Such uses include benches, fire rings, and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages, dwellings or similar structures.

#### B. Additional requirements.

- (1) Additional widths. Where wetlands are located partially or entirely within a buffer, the buffer shall be extended to encompass the wetland and shall be widened by a distance sufficient to provide a twenty-five-foot native species buffer measured perpendicularly from the wetland boundary. This distance shall be increased to 50 feet where the stream is exceptional value or high quality, or a tributary to an exceptional value or high quality stream.
- (2) Minimization of impacts, restoration and permit requirements for allowable uses.
  - (a) Disturbance of the riparian buffer shall be limited to the area necessary to perform the allowable use.
  - (b) Where possible and practical, disturbances shall be phased, with each phase restored prior to beginning the next phase.
  - (c) Allowable activities shall not cause stormwater flow to concentrate.
  - (d) Any vegetation removed for the allowable activity shall be replaced immediately upon completion of the activity. Where mature trees are removed, such trees may be replaced with the largest tree of acceptable native species practical.
  - (e) Erosion and sediment pollution controls shall be installed and maintained. Evidence of an approved erosion and sediment control plan and/or NPDES Permit, if required, must be submitted prior to issuance of local permits.
  - (f) If a permit from PA DEP is required for the activity, evidence of an approved permit must be submitted prior to issuance of local permits.

#### C. Maintenance.

- (1) Removal of standing dead trees or trees that are in danger of falling is permitted. Such material shall be removed from the floodplain or from the buffer, whichever is widest or cut into sections small enough so as not to present the possibility of creating obstructions downstream.

- (2) Trees that have fallen present a danger of obstructing downstream bridges or culverts, thereby increasing flood hazard potential. Such trees shall be removed from the floodplain or from the buffer, whichever is widest or cut into sections small enough so as not to present the possibility of creating obstructions downstream.
- (3) Plant species that threaten the integrity of the buffer shall be removed.
- (4) The use of herbicides or fertilizers within the buffer is not recommended. If necessary, such chemicals shall be used only to the extent necessary.

**§ 360-120. Exceptions.**

- A. If compliance with any provisions of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
- B. Requests for exceptions shall be considered by the Zoning Hearing Board in accordance with the procedures contained in this chapter and the following:
  - (1) If granted, a variance shall involve only the least modification necessary to provide relief.
  - (2) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.
- C. A complete record of all requests for variances and related actions shall be maintained by Rye Township.
- D. No exception shall be granted for any activity on lots created after the date of this article.

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ARTICLE XIV  
**Signs**

**§ 360-121. Intended purpose.**

This article is designed to regulate and govern the use, erection, alteration, repair, and maintenance of all exterior signs and outdoor display structures together with their accessories and auxiliary devices so as to protect property values, lessen congestion of land and air spaces, provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow.

**§ 360-122. Signs prohibited in all districts.**

The following signs shall not be permitted, erected, constructed or maintained in any zoning district, notwithstanding anything contained in this article or elsewhere. Such signs that are prohibited shall be removed or brought into conformity with the provisions of this article within three years after this chapter is enacted.

- A. Signs which are internally illuminated are prohibited or which incorporate in any manner any flashing or moving illumination, or with illumination which varies in intensity or color, and signs which have any visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents. Hanging signs which simply swing in the wind and clock, time or temperature signs and barber poles shall not be considered as a prohibited sign if it complies with the other provisions of this article.
- B. Light sources that cast light on signs shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located. The hours during which light sources shall be operated shall be limited to the hours during which the business or other use is permitted to operate.
- C. Any sign or sign structure that constitutes a hazard to public safety or health.
- D. Signs advertising activities that are illegal under federal, state or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.
- E. Signs which by reason of size, location, movement, content, coloring or manner of illumination obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on public streets and roads.
- F. Signs that make use of words such as "stop," "look," "one-way," "danger," "yield," "go slow," "caution," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic or that imitate an official traffic sign or signal.
- G. Signs that advertise an activity, business, product or service no longer produced or conducted. In such case, such sign shall be removed within 30 days after the same is no longer produced or conducted.
- H. Signs that are placed or located within the public right-of-way, except signs erected by or required by order of a governmental body, or as provided elsewhere in this chapter.
- I. Signs painted on, pasted or attached to or supported by utility poles, trees, fences, a stone, cliff or other natural object.
- J. Signs that consist of pennants, spinners, banners, streamers or search lights, except for occasions such as grand openings and then only with permission of the Zoning Officer for a use limited to a period of 15 days.
- K. String lights that are unshielded from off the premises on which they are located other than temporary holiday decorations or special events or functions of public service, charitable, religious, educational, and civic organizations.
- L. Signs that obstruct free ingress to or egress from a fire escape, door, window or other exit way.
- M. Signs that are structurally unsafe or in a state of disrepair.

**§ 360-123. Signs in residential districts.**

The following type of signs, and no other, shall be permitted in residential districts, including the RV District:

- A. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
  - (1) The size of any such sign is not in excess of six square feet.
  - (2) Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- B. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided:
  - (1) The size of any sign is not in excess of 20 square feet; and
  - (2) Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- C. Signs indicating the location, entrance or direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent, may be erected and maintained, provided:
  - (1) The size of any such sign is not in excess of 30 square feet and not in excess of six feet in length.
  - (2) Not more than one such sign is erected on each 500 feet of street frontage.
- D. Signs bearing the word "sold" or the word "rented," with the name of the person effecting the sale or rental, provided the conditions in Subsection A hereof are complied with.
- E. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
  - (1) The size thereof is not in excess of 12 square feet; and
  - (2) Such signs are removed promptly upon completion of the work.
- F. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed 216 square inches.
- G. Signs of schools, colleges, churches, hospitals, sanitariums or other institutions of a similar nature, provided:
  - (1) The size of any such sign is not in excess of 20 square feet; and
  - (2) Not more than two signs are placed on a property in single or separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.



- H. Signs advertising home occupations, which shall be not larger than 216 square inches, bearing the name and occupation (words only) of the practitioner. Such signs may be illuminated if such lighting is shielded or indirect but shall not include neon signs.
- I. Signs indicating direction may be erected along streets to direct vehicles or pedestrians to premises or businesses not located on such streets, but the access to which is from such streets. The following regulations shall apply:
  - (1) Directional signs shall be ground signs with a maximum area of six square feet on a single-faced or 12 square feet on a double-faced sign.
  - (2) The content of directional signs shall be limited to the name of the establishment and direction and distance information.
  - (3) Directional signs shall not be located more than 500 feet from an entrance or other street leading to the advertiser and shall be located in advance of such street or entrance and on the same side of the road as the advertiser's premises.
  - (4) When more than two directional signs are requested at a single location, all information shall be combined in one sign which shall not exceed an area of 12 square feet for a single-faced sign, or 24 square feet for a double-faced sign.
- J. One nameplate and one house number sign for each dwelling unit is permitted, provided it does not exceed 216 square inches and identifies only the name and title of the occupant. It shall not extend beyond a vertical plane two feet inside the lot from the street line. If lighted, it will be illuminated without objectionable glare. No displays or change in facade shall indicate from exterior that the building is being used in whole or in part for any purpose other than that of a dwelling.
- K. Signs up to two feet square in area on each side that are necessary for the identification, protection, and operation of public utility facilities.
- L. Signs indicating the name of a subdivision shall be permitted at the entrance to the subdivision and shall comply with the following:
  - (1) Signs shall be located within the public right-of-way and shall be placed so as not to provide an obstruction to the required traffic sight triangles.
  - (2) Signs shall have a permanent masonry base with a concrete footing placed below the frost line in accordance with the local building codes. Materials for masonry base shall include natural stone, architectural concrete masonry units, or brick. Standard gray concrete masonry units or other materials requiring regular maintenance, such as painting, shall not be permitted.
  - (3) The total area of the sign, including the masonry base, shall not exceed 48 square feet or eight feet in length.
  - (4) Other materials to be incorporated in the sign should include durable, maintenance-free materials; such as, prefinished aluminum sheet, commercial sign materials, such as, phenolic board, ABS plastic sheet, redwood or cedar. Plywood and other materials requiring regular painting or maintenance shall not be permitted.

- (5) Individual characters for the sign shall be commercially fabricated letters of prefinished metal (aluminum either cast or cut) or cut from an acrylic sheet. Wooden letters or other materials requiring regular painting or maintenance shall not be permitted.
- (6) Lighting of such signs shall not be permitted.
- (7) Design of all signs are subject of the review and approval of the Rye Township Planning Commission.

**§ 360-124. Business identification signs.**

The following types of signs may be permitted in commercial and industrial limited districts unless otherwise provided:

- A. One wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than 12 inches therefrom, is not less than 10 feet above the sidewalk and occupies not more than 20% of the total area of the front of the principal building. It shall not project more than three feet above the roof line or parapet wall; or
- B. One projecting sign, provided it shall not project beyond a vertical plane five feet inside the lot from the street line; or
- C. One freestanding sign not to exceed 100 square feet 50 square feet each side in area. It shall not extend beyond a vertical plane five feet inside the lot from the right-of-way line of the street adjoining the premises, and shall not exceed a height of 20 feet. The height of the sign shall be measured from the actual grade of the premises directly below the face of the sign (exclusive of any mounds or other additions to the grade level) to the highest part of the sign structure.

**§ 360-125. General regulations.**

The following regulations shall apply to all sign uses:

- A. Sign must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- B. Signs shall not be placed in such a position that they will cause danger to traffic on a street by obscuring the view.
- C. Signs, other than an official traffic sign, shall not be erected within the right-of-way line of any street.
- D. Signs projecting beyond the property lines shall be not less than 10 feet above the public sidewalk areas.
- E. Signs shall not project above the building height limit permitted in any district in which they are located.
- F. No sign shall be permitted which rotates and/or causes interruption or flashing of light.

- G. All signs erected within the right-of-way of a state highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.
- H. Except for home occupations, a permit shall not be required for the erection, alteration or maintenance of any signs permitted in a residential district.
- I. A permit shall be required for the erection, alteration, or reconstruction of signs as allowed by this article.
- J. Off-premises advertising signs. All off-premises advertising signs, except for directional signs, shall conform to the following regulations:
  - (1) Such signs are permitted in the C and IML Zones as designated in this chapter.
  - (2) Such signs are subject to the following restrictions:
    - (a) No sign shall be located at a lesser distance than 300 feet from:
      - [1] The district boundary line of an adjoining R-1, R-2 or RV Zoning District; or
      - [2] Any building used for residential purposes.
    - (b) No such sign shall be located on a lot having a frontage or width along a street adjacent to the sign less than 150 feet.
  - (3) The maximum sign area for any one sign facing shall be 100 square feet (inclusive of border or trim, but excluding the base or apron supports and other structural members). The term "facing" in this subsection shall mean the surface area of the structure containing the message of the sign.
  - (4) A sign structure shall contain no more than two facings, with only one sign per facing, which facing may be placed only back-to-back or V-shaped at an interior angle of less than 90°.
  - (5) No portion of any sign shall exceed a height of 20 feet above the ground level. All off-premises advertising signs shall be set back from an adjacent building or structure a distance equal to the overall height of the sign.
  - (6) All such signs shall be attached to the ground by suitable structural members such as vertical metal or concrete posts, pillars, poles or columns.
  - (7) Signs shall not be located at a lesser distance in any direction from each other than 1,000 lineal feet.
  - (8) All signs shall be located not less than 40 lineal feet from the legal right-of-way line of any existing street or from the dedicated right-of-way line of any street as shown on a subdivision or land development plan approved by this Township.
  - (9) Signs may be illuminated, but no direct ray of light shall extend beyond the face of the sign.
  - (10) All signs shall be constructed in a structurally sound manner.
  - (11) Every sign shall be identified on the structure with the name of the owner.
  - (12) All applications for off-premises advertising signs shall include a written agreement or contract signed by the owner of the parcel or lot on which the off-premises sign will be placed that allows for the placement of such sign on the property.

- K. Temporary signs. Temporary signs shall meet the following requirements:
- (1) An individual business shall be limited to one temporary sign at any one time, and further to a total of three 30 day usages in one year.
  - (2) A temporary sign shall relate only and directly to the business located on the same lot.
  - (3) A temporary sign shall have no more than two sides or faces.
  - (4) A single advertising face or advertising side of a temporary sign other than a banner shall not exceed 24 square feet.
  - (5) A temporary sign face or advertising side shall not have any dimension (length, width, height, or diameter) in excess of six lineal feet.
  - (6) Temporary signs may be placed no further than 10 feet from the applicant's storefront. This requirement applies to all multitenant buildings and uses.
  - (7) A temporary sign permit application must be filed and approved before a temporary sign can be displayed. Accompanying a temporary sign application shall be:
    - (a) A site plan showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares.
    - (b) A plan showing the design of the sign, materials to be used, color, lighting, size of lettering, method of construction, dimensions, and the means of attachment to the building or ground.
    - (c) An application fee in an amount to be determined, from time to time, by a duly adopted resolution of the Board of Supervisors.
- L. Removal of abandoned signs. Signs that are abandoned shall be removed by the persons responsible for erection and/or maintenance thereof within 30 days after notice of the abandonment to such person by the Zoning Officer. If such person fails or refuses to remove such abandoned sign after the aforesaid notice, the Zoning Officer may remove the sign(s) at the expense of the persons responsible for the erection and/or maintenance thereof.
- M. Removal of signs. All signs shall be removed when the circumstances leading to their erection no longer applies. The Zoning Officer shall order the removal of any sign constructed, erected or maintained in violation of this article. Ten days' notice in writing shall be given to the owner and/or lessor of any such sign, or of the building, structure or lot upon which the sign is located, to remove the sign or to obtain a permit in order to bring it into compliance with this article. If it reasonably appears that the condition of the sign(s) is such that a threat to the safety of the public is eminent, the Zoning Officer may order the removal of the sign(s) immediately. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which the sign(s) is located, or to the sign owner or lessee if different from the property owner, and may be collected in the manner provided by law.
- N. All nonconforming signs or advertising sign boards, including poster panels, bulletins, and the like, shall be made to conform to all pertinent regulations or be removed within three years after the effective date of this chapter, except that business identification signs on legal

nonconforming uses may be continued and maintained as a part of the legal nonconforming use.

- O. Maximum size for all permanent signs shall be 12 square feet, unless otherwise provided for in these regulations.

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**ARTICLE XV**  
**General Regulations**

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

**§ 360-126. Use regulations.**

- A. Agriculture farms and gardening. The tilling of the soil, raising of crops, horticulture, and gardening shall be permitted in any district, providing that only gardening incidental to residential uses shall be permitted on improved lots located in a subdivision and/or land development plan approved by the Township.
- B. Airports/heliports. In districts where permitted, airports/heliports shall be subject to the following criteria:
  - (1) Minimum lot area: 30 acres for airports and three acres for heliports;
  - (2) All facilities shall be designed and operated in strict compliance with all applicable state and federal laws and regulations;
  - (3) The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, and the Federal Aviation Administration prior to the approval of the zoning permit;
  - (4) No part of the takeoff/landing strip and/or pad shall be located nearer than 300 feet from any property line, not within 1,000 feet of any land within the R-1, R-2, and RV Zoning Districts or any existing building used for residential purposes;
  - (5) Provision shall be made to permit landing and takeoff for emergency aircraft; and
  - (6) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
- C. Animals and horticulture. In districts where permitted, operations involving the use of buildings and land for farming, nurseries, greenhouses, and livery shall be subject to the following safeguards and regulations:
  - (1) Storage of manure or odor- or dust-producing substance shall not be permitted within 300 feet of an existing dwelling. Manure storage facilities are further subject to the following regulations:

- (a) All manure storage facilities shall be designed in compliance with the most recent provisions of the PA Department of Environmental Protection (DEP) and Perry County Conservation District;
  - (b) All waste storage facilities' designs shall be reviewed by the Perry County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility; and
  - (c) Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation requires the applicant to contact the Perry County Conservation District to determine if the subsequent changes require review and approval.
- (2) Greenhouse heating plant, coal fired, shall not be operated within 100 feet of any residential district boundary. When natural gas or fuel oil is used, the distance may be reduced to 50 feet.
  - (3) Buildings used for dog kennels and animal hospitals, including exercise yards, shall not hereafter be erected within 75 feet of any lot line.
- D. Apartment (conversion). In districts where permitted, any building existing on the date of the adoption of this chapter may be converted to additional dwelling units, providing that:
- (1) The minimum habitable floor area is provided as required in this article.
  - (2) The lot area per unit shall conform to the regulations for the district in which located.
  - (3) There is no exterior evidence of change in the building except as required by the state or local building or housing codes or regulations.
  - (4) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
  - (5) Parking shall be provided in accordance with the provisions of Article XVII.
  - (6) The minimum standards established by Rye Township or the DEP are met for the disposal of sewage waste.
  - (7) The plans for the conversion of said building shall be submitted to the Zoning Officer for review and approval.
  - (8) At least one of the dwelling units shall be owner-occupied.
- E. Automobile service stations and general automotive repair and automotive services. In districts where permitted, automobile or gasoline service stations and general automotive repair and automotive services shall be subject to the following safeguards and regulations:
- (1) Hereafter, no service station shall be located nearer than 1,000 feet to the lot line of any school, playground, hospital, or nursing or convalescent home.
  - (2) Driveways shall be located as provided in Articles XVII and XVIII.
  - (3) All driveways and service areas shall be paved with a surfacing material as approved by the Township.

- (4) Driveway areas and service areas shall be distinguished from sidewalk areas by painted lines.
  - (5) Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
  - (6) Minimum frontage on an interior lot shall be not less than 125 feet. Minimum frontage on a corner lot on a side street shall be not less than 100 feet and the front street not less than 125 feet.
  - (7) All service and/or repair activities shall be conducted within a completely enclosed building.
  - (8) The outdoor storage of vehicles awaiting repair shall not be permitted in front of the service building. No more than three vehicles may be stored per service bay, and the storage area for such vehicles shall be provided with buffering, landscaping, and screening in accordance with the provisions of this article, and shall be a minimum of 100 feet from all property lines. No vehicle shall be stored upon the site for more than one month.
  - (9) No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service or repair operation shall be permitted.
  - (10) The storage of unlicensed vehicles is prohibited.
  - (11) Any ventilation equipment outlets associated with the service/repair work area(s) shall be oriented away from any abutting property within any residential zoning district or any existing and abutting dwelling.
  - (12) The demolition or junking of automobiles is prohibited. Demolished vehicles or parts thereof shall be removed from the site within two weeks of arrival.
  - (13) The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
  - (14) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
- F. Camps, lodges, and vacation homes. In districts where permitted, camps, lodges, and vacation homes shall be subject to the following criteria:
- (1) Camps shall be construed to mean permanent structures for seasonal use. Such uses would include: shelter during hunting and fishing seasons, vacation uses to include weekends and holidays, and similar periodic visits at any time of the year. Camp structures would not include mobile homes. Periodic visits should not exceed 90 consecutive days.
  - (2) Camp installations, where permitted, shall be subject to the following regulations:
    - (a) Minimum lot area as regulated in the district where located.
    - (b) Sanitary facilities (water supply and toilet installation) shall be subject to all rules and regulations of the DEP applicable thereto.
    - (c) Electrical service shall be subject to any local ordinances and the regulations of the Public Utility Commission.

- (d) A camp cannot be converted to a permanent dwelling unit unless it conforms to acceptable building, housing, electrical, and plumbing codes. It must also meet all regulations (including minimum habitable floor area) set forth herein and applicable district regulations.
  - (3) Lodges, vacation homes, and similar structures constructed after the date of the enactment of this chapter must conform to all building regulations, existing or hereafter enacted, that apply to residential structures within Rye Township.
- G. Churches, hospitals, and other public and semipublic buildings:
- (1) In districts where permitted, these uses shall meet the following requirements:
    - (a) Lot area in accordance with the minimum lot area requirements for the district in which the property is located.
    - (b) Lot coverage. Lot area covered by all buildings, including accessory buildings, shall not be greater than 30% of the area of the lot.
    - (c) Width regulations. The lot width at the required building line shall be based on the building size and yard requirements, but in no case shall the lot width be less than 100 feet.
    - (d) Yard regulations. Each lot shall have yards not less than the following depths or widths:
      - [1] Front yard depth: 50 feet.
      - [2] Side yard: two in number, width not less than 20 feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than 50 feet in width.
      - [3] Rear yard depth: 50 feet.
    - (e) Heights. The height of a building shall be not more than 35 feet, except as provided in § 360-127.
  - (2) Off-street parking. Parking shall be provided in accordance with the provisions of Article XVII of this chapter. Portions of the required front yard setback may be used for off-street parking.
    - (a) Service and access drives shall be at least 15 feet wide and not over 25 feet wide and shall be permitted to cross required yard areas, provided that the center line of the permitted drive shall not be a lesser angle to the street line than 70°.
    - (b) If greater controls are established for the district in which these uses are to be located, such control or controls shall take precedence over any or all of the foregoing.
  - (3) Existing structures cannot be remodeled, converted or otherwise used for schools, hospitals, churches or other public uses until such plans are presented to the Zoning Officer together with approvals as may be necessitated by state and local law, rules and regulations of the Department of Labor and Industry, the DEP, and others. If the Zoning Officer finds any such plans and proposals are not in conflict with the intent and purposes of this chapter, such uses may be permitted.



- (4) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
  - (5) This use shall not include municipal uses as provided for below in this article.
- H. Clubs, lodges, and fraternal organizations. In districts where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.
- (1) All outdoor recreation/activity areas shall be set back at least 50 feet from any property line.
  - (2) Buffering, landscaping and screening shall be provided in accordance with the provisions of this Article XV.
  - (3) Sanitary facilities (water supply and toilet installation) shall be subject to all rules and regulations of the DEP applicable to where the water supply will be utilized.
  - (4) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
- I. Communications towers. The following requirements are intended to regulate the placement, construction, and modification of communication antennas and communication towers to protect the public safety and welfare; to minimize adverse effects of communication antennas and towers through proper design and siting; to encourage colocation of communication antennas and the use of existing structures to reduce the number of such structures needed in the future; to avoid potential damage to adjacent properties from communication tower failure and falling ice and debris, through engineering and proper siting of towers; and to ensure that communication antennas and towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.
- (1) The words and terms used in this section are defined as follows:
    - CO-LOCATION — The act of placing two or more communication antennas on one communication tower or other structure.
    - COMMUNICATION ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, page, commercial mobile radio service or any other wireless communication signal, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.
    - COMMUNICATION EQUIPMENT BUILDING — An accessory structure used to house communication equipment associated with a communication tower or antenna.

COMMUNICATION TOWER — A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communication antennas.

- (2) Any applicant proposing construction of a new communication tower, in addition to providing a written list of existing communication towers in the desired service area, shall demonstrate to the satisfaction of the Board of Supervisors, by a written submission, that a good faith effort has been made to obtain permission to mount the communication antenna on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within 1/4 mile radius of the proposed communication tower site be contacted and that the applicant certifies, in writing, to the Board of Supervisors that one or more of the following reasons for not selecting such structure apply:
  - (a) The proposed communication antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost;
  - (b) The proposed communication antenna and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost;
  - (c) Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function;
  - (d) Addition of the proposed communication antenna and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation; and/or
  - (e) A commercially reasonable agreement cannot be reached with the owner(s) of such structure.
- (3) Any applicant proposing construction of a new communication tower shall demonstrate, in writing, that a good faith effort has been made to obtain permission to place such a tower on lands or rights-of-way owned or under the control of the federal, state or local government that would meet their needs.
- (4) The applicant shall prove that it is licensed by the FCC to operate a communication tower, if applicable, and communication antenna, and that the proposed communication tower and antenna proposed to be mounted thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation. The communication tower shall comply with all applicable Federal Aviation Administration, Commonwealth of Pennsylvania Bureau of Aviation, and any other applicable codes adopted by the Township.
- (5) Inspection. Not later than December of each even-numbered year, the owner of the communication tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers and has demonstrated his/her expertise to the satisfaction of the Township. At a

minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided by the Electronics Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of the inspection report and certification of continued use shall be provided to the Township by March 1 following the inspection. The owner shall make any repairs advised by such report within 60 calendar days after the report is filed with the Township.

- (6) Yard requirements:
  - (a) Communication towers shall be set back from all property or lease lines a distance equal to 100% of the height of the tower.
  - (b) No communication tower shall be located within 200 feet of any part of a residential or occupied structure except with the written consent of all owners of such structure.
  - (c) All communication towers or equipment buildings shall be surrounded by an eight-foot high security fence.
- (7) Height requirements.
  - (a) Communications towers, including attached communication antennas, shall be kept to a minimum height needed to function in accordance with industry standards. In case of co-location, the communication tower height may be adjusted to account for other users. In no case shall any communication tower exceed a maximum height of 200 feet.
  - (b) Communication equipment buildings shall comply with building height requirements in the zoning district in which they are located.
- (8) Access. Access shall be provided to the lot or leased parcel on which the communication tower or communication equipment building is located by means of a public street and/or easement to a public street. The easement shall be a minimum of 20 feet in width and the access shall be paved to a width of at least 10 feet throughout its entire length.
- (9) Procedures.
  - (a) Any applicant proposing construction of a new communication tower shall submit plans to the Township for review by the Township Engineer and Planning Commission and for approval by the Township Board of Supervisors in accordance with the requirements Chapter 320, Subdivision and Land Development. No such plans are required for a communication antenna to be co-located on an existing building, structure, or tower.
  - (b) Any applicant proposing a communication antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Zoning Officer for compliance with the applicable building codes adopted by the Township.

- (10) Removal. If any communication tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communication tower within three months of the expiration of such twelve-month period.
- J. Dish antennas. Dish antennas intended for commercial use shall be permitted in the Commercial District (C) and shall comply with the following conditions and requirements:
- (1) All dish antennas shall meet the yard setback and height limitations for the zoning district in which they are located.
  - (2) Distance of any guy anchorage or similar device shall be at least 10 feet from any property line.
  - (3) Dish antennas shall not be located in the front yard area of any lot.
  - (4) The applicant shall present documentation of the possession of any required license by any federal, state, or local agency.
  - (5) No antenna shall be in excess of a height equal to the distance from the base of the antenna to the nearest overhead electrical power line that serves more than one dwelling or place of business, less five feet.
  - (6) Applications for a permit must include construction drawings showing proposed method of installation, structural engineering analysis, and site plan depicting antenna on the property. At the request of the Zoning Officer, documentation of a maintenance program may be required.
  - (7) The owner of such an antenna shall assume complete liability in case of personal or property damage.
  - (8) Dish antennas for residential, television, radio, and/or internet reception are not subject to the above regulations. Such dish antennas shall be limited to two on a lot in residential and agricultural districts.
- K. Home occupations. In districts where permitted, lawful home occupations shall be pursuant to a zoning permit and subject to the following conditions:
- (1) Only one home occupation shall be permitted per lot containing a single-family detached dwelling and shall be conducted completely within the principal single-family detached building used primarily for living purposes.
  - (2) Not more than two persons, at least one of whom shall be a resident of the dwelling, shall be employed in the home occupation use.
  - (3) Not more than 25% or 500 square feet of the gross floor area of the single-family detached dwelling, whichever is less, shall be devoted to home occupation.
  - (4) Articles or services sold or offered for sale shall be limited to those produced on the premises.
  - (5) There shall be no exterior display or sign (except as permitted in the regulation on signs in this chapter or for the use within the zoning district where the use is proposed), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the dwelling where the occupation is conducted.

- (6) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- (7) Home occupations shall include, but shall not be limited to the following: art studio; professional office of a physician, dentist, lawyer, engineer, architect, surveyor, planner, accountant, or writer; beauty shop limited to one chair; barbershop limited to one chair; teaching of not more than four pupils simultaneously; or in the case of musical instruction, not more than a single pupil at a time.
- (8) Uses that shall not be interpreted as home occupations include: animal hospital, mortuary, and restaurant, rooming house, boardinghouse, or lodging house, retail or wholesale store.
- (9) Noncommercial greenhouse, tool shed, private garage, swimming pool, tennis court, or similar accessory structure and other accessory uses customarily incidental to a permitted residential use and not normally conducted as an independent principal use, provided that any use accessory to a use permitted by special exception shall be established only as provided in such exception.
- (10) At least two off-street parking spaces shall be provided plus one additional parking space for each employee.
- (11) No accessory building or structure shall be utilized as a home occupation.
- L. Intensive agricultural use. Regulations relating to intensive agricultural use shall be in accordance with Chapter 98, Agricultural Operations, relating to such use.
- M. Manufacturing. In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation for conformity to the requirements of this chapter, the following data shall be submitted with an application for a permit to be received by the Planning Commission and the Board of Supervisors:
  - (1) Plot plan;
  - (2) Architectural plan;
  - (3) Description of operation;
  - (4) Engineering and architectural plans for water supply and sewage disposal;
  - (5) Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, toxic waste, water pollution, and traffic;
  - (6) Proposed fuel;
  - (7) Number of shifts and maximum employment per shift;
  - (8) The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations; and
  - (9) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.

- N. Medical or dental clinical buildings. Where permitted in a residential district, a building for use as a medical or dental clinic may be erected and used subject to the following conditions:
- (1) The building shall be occupied and used only by persons, and their staffs, licensed to practice the healing arts in the Commonwealth of Pennsylvania.
  - (2) The lot area shall not be less than two acres. The front yard depth shall be not less than 35 feet, the side yard width shall be not less than 35 feet, the rear yard depth shall be not less than 35 feet.
  - (3) Parking shall be provided on the basis of three parking spaces per doctor, plus one additional space for every employee. The size and locations of these spaces shall be in accordance with the provisions of Article XVII, entitled "Off-Street Parking."
  - (4) An architectural sketch of the building and a plot plan showing the size and location of the building, parking areas, driveways and the plan for sewage disposal shall be submitted to the Board of Supervisors and Planning Commission for review and approval.
  - (5) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
- O. Mobile home parks. In districts where permitted, all mobile home parks hereafter erected must be laid out and improved in conformance with Article VIII of Chapter 320, Subdivision and Land Development.
- P. Motels. In districts where permitted, motels shall be subject to the following safeguards and regulations:
- (1) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
  - (2) No motel shall have a lot area of less than two acres, and where one building is proposed, plans shall be submitted and approved by the Code Enforcement Officer.
  - (3) Motels shall be connected to a public sanitary sewer and water supply where feasible or a sanitary sewerage collection and treatment system and water supply approved by the DEP.
  - (4) Front, side, and rear yards of the motel shall be permanently landscaped and maintained in good condition.
  - (5) At least one parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed as part of the motel premises shall be provided as required by Article XVII of this chapter.
  - (6) Every unit shall be provided with running hot and cold water and separate toilet facilities.
  - (7) Motel buildings or parts thereof shall be placed no closer to any lot line than 30 feet.

- (8) The space between motel buildings shall be not less than 20 feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units, except where parking is proposed. In such cases the distance between the fronts and/or rear of units shall be approved by the Planning Commission as required by Subsection P(1) above.
- (9) When the application for a permit is for a single motel building, a plan shall be submitted to the Planning Commission and Board of Supervisors for review prior to the Zoning Officer issuing a permit. The plan shall show the following:
  - (a) Extent and area of property;
  - (b) Entrance, exits, driveways, roads, parking areas, and walks;
  - (c) Location of the main building and accessory buildings;
  - (d) Plan for water supply;
  - (e) Plan for sewage disposal;
  - (f) Plan for storm drainage;
  - (g) Plan for soil erosion and sedimentation control approved by the County Conservation District;
  - (h) Plan for supply of electricity, gas, and other utilities; and
  - (i) Where entrances and exits of driveways are located on state highways, copies of permits secured from the Pennsylvania Department of Transportation shall be submitted with the plan.
- Q. Municipal uses. In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation use. Such buildings shall be reviewed by the Planning Commission and approved by the Board of Supervisors.
- R. Outdoor recreation areas (private or semiprivate). Where permitted, private or semiprivate recreation areas shall be subject to the following conditions:
  - (1) The minimum lot area shall be not less than two acres.
  - (2) Where two or more buildings or structures are proposed as a land development, plans shall be prepared and submitted to the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
  - (3) Where only one building or structure is proposed, plans shall be submitted to the Zoning Officer for review and approval.
  - (4) Such recreation use shall not be primarily for gain or profit.
  - (5) Parking shall be provided in accordance with the provisions of Article XVII, of this chapter.
  - (6) Social and fraternal buildings shall be permitted only when incidental to and accessory to the primary use of the area.

- (7) A buffer yard of not less than 15 feet nor more than 30 feet in width and a screen planting, as determined by the municipal agency responsible for approval for the specific use, shall be provided at a height and type as approved by the responsible agency under Subsection R(2) and (3) above.

S. Accessory buildings or structures.

- (1) Any accessory building or structure shall not be erected, set, or placed ten (10) feet or less from the principal or main building.
- (2) An accessory building or structure shall not be erected, set or placed in front of the principal building or structure, unless the accessory building or structure is at least 150 feet from the road right-of-way line.
- (3) An accessory building or structure may be erected, set, or placed in rear or side yards provided that:
  - (a) The accessory building or structure shall be no closer than ten (10) feet to the nearest wall of the principal or main building.
  - (b) When an accessory building or structure is to be erected, set or placed in a required side or rear yard, the accessory building or structure shall be located not less than ten (10) feet from the property lines.
  - (c) When an accessory building or structure is erected on a corner lot, the accessory building or structure shall be not less than the required minimum front yard depth from the corner lot line.
  - (d) An attached or detached carport or garage shall not be permitted within the required side yard setback.
- (4) An accessory building or structure shall be included in the lot coverage.
- (5) All accessory buildings and structures shall be erected, set, or placed in accord with adopted building codes.
- (6) Accessory buildings and structures in a residential district on a lot one acre or less shall meet the following requirements:
  - (a) Maximum total floor area of all accessory buildings is less than or equal to 1,000 square feet.
  - (b) Maximum of two (2) accessory buildings per lot.
  - (c) An Accessory building or structure shall not exceed the gross floor area of the principal building.
- (7) A Zoning Permit for an accessory building will not be issued until the primary building has received an Occupancy Permit and a Certificate of Use.
- (8) The use of nontraditional storage units, including those commercially known as PODS® or enclosed container of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:
  - (a) Units shall be permitted for a maximum period of 60 consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding 180 days.



- (b) The enclosed container of a box trailer with wheels may be used for temporary construction storage for the period for which a valid building permit has been issued. Such units shall be licensed and located in accordance with the required accessory use setback of the zoning district in which the property is located.
    - (c) The container of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.
  - (9) The only overnight parking of trucks and busses that shall be allowed in a residential zoning district shall be for the maximum of two vehicles, each up to 14,000 pounds aggregate gross vehicle weight, and which shall only be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.
  - (10) Neither of the following shall be maintained or repaired on a residential lot:
    - (a) Trucks with an aggregate gross weight of over 14,000 pounds;
    - (b) Vehicles not owned or leased by a resident of the lot.
- T. Public utility facilities. Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:
- (1) Front, side, and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
  - (2) Height shall be as required by the district regulations.
  - (3) Unhoused equipment shall be enclosed with a chain link fence six feet in height topped with barbed wire.
  - (4) Housed equipment: when the equipment is totally enclosed within a building, no fence or screen planting shall be required, however, the yard areas shall be in conformity with the district in which the facility is located.
  - (5) Screen planting: the required fence for unhoused equipment shall be surrounded by an evergreen planting as approved by the Planning Commission.
  - (6) The external design of the building shall be in conformity with the buildings in the districts.
  - (7) Access for unhoused equipment: where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than 50% solid in ratio to open space.
  - (8) A land development plan as required shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 320, Subdivision and Land Development.
- U. Quarrying, quarry-related manufacturing. In districts where permitted, quarrying and quarry-related manufacturing shall be subject to the following criteria:
- (1) Quarrying and quarry-related manufacturing is considered a conditional use. All quarrying shall be subject to and in accordance with the Pennsylvania Surface Mining Conservation and Reclamation Act of 1971 and any amendments thereto. *Editor's Note: See 52 P.S. § 1396.1 et seq.*

- (2) The top of the slope or quarry wall shall be set back from any adjoining property line or public right-of-way a minimum of 150 feet.
  - (3) The applicant shall submit a scaled site plan that depicts the location and identification of uses of all buildings within a circular area having a radius of 1,500 feet from the proposed site of the use being sought.
  - (4) Provide a six-foot high chain link fence around the perimeter of the quarry area.
  - (5) Provide a buffer strip with vegetative cover between the fence and the property line.
  - (6) Should the Board of Supervisors, after a period of one year, determine that the conditional use is detrimental to the health, safety, and general welfare of the Township, the Supervisors shall give the operator of the use written notification of the specific detrimental effects, and the operator must correct the specified detrimental effects within 90 days from such date of notice. Failure to correct the detrimental effects within 90 days will result in a notice of termination being sent to the operator by said Supervisors. The operator must cease said use within one year after receipt of said termination.
- V. Swimming pools, private. Private swimming pools, with the exception of kiddie pools, shall require zoning and building permits as an accessory use in any district and shall comply with the following conditions and requirements:
- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
  - (2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which located.
  - (3) The property or the immediate area in which any outdoor pool is located shall be completely surrounded by a fence or wall not less than four feet in height which may be so constructed to have openings, holes, or gaps not larger than two inches in a horizontal dimension. Should the wall of the pool be aboveground, the height of the required fence may be reduced so that the total height of the wall of the pool and the fence shall be not less than four feet. The maximum height of the fence shall not exceed eight feet in height. Such fence or wall shall be erected before any pool is filled with water.
  - (4) A dwelling or an accessory building may be used as part of such enclosure.
  - (5) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except that the door of the dwelling which forms a part of the enclosure need not be so equipped.
  - (6) Any swimming pool that is serviced by an electrical appliance shall comply with adopted Township building codes. Plug in appliances shall be supplied from a ground fault interrupting (GFI) receptacle.
- W. Bed-and-breakfast inns. In districts where permitted, bed-and-breakfast inns shall be subject to the following criteria:

- (1) For the purposes of this chapter, a bed-and-breakfast shall be defined as an owner-occupied, single-family detached dwelling, where between one and five rooms are rented to overnight guests on a daily basis for periods not exceeding 14 consecutive days.
  - (2) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
  - (3) All floors above grade shall have direct means of escape to ground level.
  - (4) All parking areas shall be set back a minimum of 25 feet from all property lines and shall be provided with buffering, landscaping, and screening in accordance with Article XV of this chapter or for the use within the zoning district where the use is proposed.
  - (5) A bed-and-breakfast may erect one sign in accordance with home occupation signs in Article XIV of this chapter or for the home occupations within the zoning district where the use is proposed.
  - (6) Meals shall be offered only to registered overnight guests.
  - (7) The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
  - (8) The applicant shall furnish proof of approval from the Pennsylvania Department of Labor and Industry.
- X. Family day care. In districts where permitted, family day cares shall be subject to the following criteria:
- (1) All family day-care facilities shall be conducted within a single-family detached dwelling.
  - (2) A family day-care facility shall offer care and supervision to no more than six different nonresident minors during any calendar day.
  - (3) All family day-care facilities with enrollment of more than three minors shall furnish a valid registration certificate for the proposed use, issued by the Pennsylvania Department of Public Welfare.
  - (4) An outdoor play area no less than 390 square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. Outdoor play areas shall be set back at least 25 feet and screened from any abutting existing residential use or residentially zoned properties with screening in accordance with this article, but no vegetative materials located within the outdoor play areas shall be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade, such as a tree(s) or pavilion(s).
  - (5) Passenger drop-off and pick-up areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- Y. Farm occupations. In districts where permitted, farm occupations shall be subject to the following criteria:

- (1) For the purposes of this subsection, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use. Retail sales shall only be permitted incident to the production of goods on the site.
  - (2) Only residents of the farm property shall be employed by the farm occupation and the owner of the farm occupation must reside on the site.
  - (3) The use must be conducted within one completely enclosed building. Where practicable, the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located in the side or rear yard of the dwelling, and must be no less than 100 feet from any adjoining street right-of-way or property line.
  - (4) Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to another agricultural use, or removed, if the farm occupation is discontinued.
  - (5) No part of a farm occupation shall be located within 100 feet of any side or rear lot line, nor 300 feet from any property in the residential zoning districts or existing residential use. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
  - (6) The farm occupation shall occupy no more than 4,000 square feet of gross floor area, nor more than one acre of lot area. However, any driveway serving the farm occupation and the farm shall not be calculated as land serving the farm occupation.
  - (7) No more than 10% of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.
  - (8) For purposes of regulation, signs for farm occupations shall be considered home occupation signs, and meet all applicable provisions of Article XIV of this chapter.
  - (9) For purposes of this subsection, any farm occupation which is not a permitted principal use within the zoning district in which the principal agriculture or farm use is occurring shall not be subdivided or separated from the principal agriculture or farm use.
- Z. Rural occupations. In districts where permitted, rural occupations shall be subject to the following criteria:
- (1) Minimum lot size shall be four acres.
  - (2) Only one rural occupation may be conducted on the same property as the owner's principal residence, and shall not exceed the area of the principal residence's ground floor area or 1,000 square feet, whichever is less.
  - (3) A rural occupation shall only be conducted within one completely enclosed building that satisfies at least one of the following:
    - (a) The building will remain the same size and in the same location as it existed on the effective date of this chapter.

- (b) The building is limited to one story in height or 20 feet, whichever is lesser, is located in the rear yard of the principal residence, and is setback at least 100 feet from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings.
  - (4) In no case shall any new rural occupation building be constructed before the owner resides permanently on the subject property. In addition, rural occupations may only be conducted so long as the owner of the business resides on the site.
  - (5) In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other permitted accessory uses and structures.
  - (6) All off-street parking and loading spaces shall be provided with buffering, landscaping and screening in accordance with Article XV and Article XVII of this chapter.
  - (7) No outdoor storage or display shall be permitted.
  - (8) No rural occupation and its principal dwelling shall generate more than 20 vehicle trips per day to and from the site. The applicant shall furnish evidence regarding the expected numbers of vehicles trips associated with the proposed use.
  - (9) Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street right-of-way that serves the principal residence. No additional roadway connection shall be permitted.
  - (10) The maximum number of employees that do not reside on the site shall be equal to two full time positions. For purposes of this subsection, "employees" shall be defined as those involved in the on-site conduct of the rural occupation.
  - (11) Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m.
  - (12) No manufacturing, mechanical or industrial use shall be permitted which causes any noise, glare, fumes, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at any property line of the rural occupation. No use that requires application or permitting by the DEP for the handling of hazardous waste or other substances shall be permitted.
  - (13) Any area devoted to retail sales display shall be limited to 20% of the overall size of the rural occupation.
  - (14) The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principal residence.
- AA. Forestry. Forestry permitted as provided in all zoning districts is subject to the following criteria where the value of the trees, logs or other timber products removed exceeds \$1,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.
- (1) Notification of commencement or completion. For all timber harvesting operations that are expected to exceed two acres, the landowner shall notify the Township Zoning

Officer at least 30 business days before the operation commences and within 15 days before the operation is completed. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation and logging plan. This written notification shall also specify any private roads affected, dates of effect, plans to restore any damages to private roads and contact information for the logging operations submitted to owners abutting the private road used to access the logging site.

- (2) Preparation of a logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified in this subsection. No timber harvesting shall occur until the plan has been prepared and proper notification of commencement is provided to the Township. The provisions of this plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request.
- (3) Responsibility of compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- (4) Contents of a logging plan.
  - (a) 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 landings.
    - [2] Design, construction and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips and water bars.
    - [3] Design, construction and maintenance of stream and wetland crossings.
    - [4] The general location of the proposed operation in relation to Township and state highways, including any accesses to the highways.
  - (b) 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.
    - [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 crossing of waters of the commonwealth.
    - [5] The general location of the proposed operation in relation to Township and state highways, including any accesses to those highways.
- (5) Compliance with applicable regulations. The logging plan shall address and comply with the requirements of all applicable state laws and regulations and Township ordinances, including but not limited to the following:

- (a) Soil erosion and sedimentation control regulations and standards of the Perry County Conservation District and/or DEP requirements.
  - (b) Stream crossing and wetlands protection regulations of DEP and/or the United States Army Corps of Engineers.
  - (c) Stormwater management plans and regulations issued pursuant to Chapter 320, Subdivision and Land Development.
- (6) Relationship to state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated map specified previously, provided that all information required by these subsections is included or attached.
- (7) Responsibility for road maintenance and repair: road bonding. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvest operation pursuant to the provisions of Title 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Township may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.
- BB. Compost. The placement of compost as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.
- CC. Garage and yard sales.
- (1) Within any zoning district an owner, occupant, or both, may conduct up to two garage or yard sales per year.
  - (2) No garage or yard sale shall be conducted for a period longer than three consecutive days.
  - (3) Sales shall be limited to personal items.
  - (4) Only two, six-foot square signs shall be permitted advertising the garage or yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale.
  - (5) In no case shall any aspect of the garage or yard sale be conducted in a street right-of-way, except that parking may occur where permitted.
  - (6) The conduct of a garage or yard sale beyond the extent herein represents a commercial business and requires appropriate zoning authorization.
- DD. Natural or man-made lakes, dams, ponds and impoundments.
- (1) All lakes, dams, ponds and impoundments shall be permitted in any zone, subject to Chapter 320, Subdivision and Land Development, and all state and/or federal requirements.

- (2) All ponds constructed within areas subject to livestock shall be enclosed with fencing that prevents livestock from trampling the pond's shores and polluting the waters.
- (3) All lakes, dams, ponds and other impoundments shall be regularly maintained to prevent stagnation and to prevent a nuisance to adjacent properties. Floating debris shall be removed from all pipes and spillways. If the ponds, lakes, dams and impoundments have pipes and spillways, they shall be regularly cleaned.

EE. Ornamental ponds and wading pools.

- (1) Ornamental ponds and wading pools shall comply with all accessory use setbacks.
- (2) All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insect, vermin, or both.
- (3) No such pond shall be used for the commercial hatching of fish or other species.

FF. Land disturbance

- (1) A land disturbance requires a Zoning Permit be obtained from the Township before any work has commenced.
- (2) Plans for a land disturbance must be submitted in accordance with the requirements set forth in Chapter 320 Subdivision and Land Development Ordinance.

**§ 360-127. Height regulations.**

- A. Height regulations shall not apply to agricultural buildings (a building used for agricultural activities), spires, belfries, cupolas, or domes not used for human occupancy, or to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos, and ornamental or necessary mechanical appurtenances. However, the minimum distance between any of the mentioned appurtenances and any property line shall be not less than twice the height of the appurtenance.
- B. For all residential uses accessory buildings shall not exceed 25 feet in height.
- C. No structure shall be hereafter erected less than one story in height except for earth-sheltered dwellings.

**§ 360-128. Area regulations.**

Unless the regulations of the district in which they are located require greater lot areas or lot widths, the following regulations shall apply:

- A. Lots not served by a sanitary sewer system or other systems approved by the Pennsylvania Department of Environmental Protection shall be not less than 200 feet wide at the required front building line nor less than two acres in area per dwelling unit.
- B. On a lot held in single and separate ownership which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein, and further that the proposed sanitary sewer system and water system is approved by the Department of Environmental Protection.



- C. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading, and/or parking space. Septic tanks and drain fields shall be provided with open space in addition to the open space required for off-street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

**§ 360-129. Yard regulations.**

- A. Where the street or streets (or private road) upon which the lot abuts is less than 50 feet in width, the side yard abutting the street (or private road) shall be measured from a line parallel to and 25 feet from the center line of the street (or private road).

- B. Front yards.

- (1) When a vacant lot is situated between two lots, each occupied by a principal building (within 25 feet of the side lot line of such vacant lot) which extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two adjacent occupied lots.
- (2) Where a vacant lot adjoins only one lot occupied by a principal building (within 25 feet of the common side lot line) which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located.
- (3) However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.
- (4) An accessory building shall not be erected or altered within any front yard.
- (5) Parking, other than temporary, shall not be permitted on unpaved surfaces in the front yards in residential districts.
- (6) On a corner lot the front yard shall correspond to the street address of the principal building on the lot.

- C. Side yards.

- (1) On a corner lot the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this chapter.
- (2) On a lot in a district where residential structures are permitted, held in single and separate ownership at the effective date of this chapter, with a lot width less than required for the zoning district, only one single-family dwelling may be erected, and side yards shall be provided according to the following requirements:
  - (a) On interior lots with a width of 50 feet or more two side yards shall be provided as required by the district regulations.
  - (b) On corner lots with a width of 50 feet or more two side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required

interior side yard. The interior side yard shall be provided as required by the district regulations.

- (c) On lots less than 50 feet but not less than 27 feet in width two side yards shall be provided, each equaling 20% of the lot width.
  - (d) For such dwellings, constructed to a depth of more than two rooms, a court not less than six feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
- (3) A carport, open on three sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this chapter, providing the following minimum side yard remains:
- (a) For lots under 50 feet in width: minimum side yard four feet.
  - (b) For lots between 50 and 60 feet in width: minimum side yard six feet.
  - (c) For lots greater than 60 feet in width: minimum side yard eight feet.
  - (d) For dwellings constructed following the adoption of this chapter, no open porch or carport may invade any required side yard.
- (4) On a corner lot the front yard shall correspond to the street address of the principal building on the lot.

**D. Buffer yards.**

- (1) Where a commercial or manufacturing use adjoins a residential district, a buffer yard of not less than 50 feet in width shall be provided for the district in which it is located. The buffer yard shall be located on the lot containing the commercial or manufacturing use.
- (2) All buffer yard areas shall be planted and maintained in accordance with § 360-136. In commercial and manufacturing districts a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
- (3) Buffer yards shall not be used for parking.
- (4) Buffer yards other than interior side buffer yards may be crossed by access roads, service drives, and utility easements not more than 35 feet in width, provided that the angle of the center line of the road, drive, or easement crosses the lot line and buffer yard at not less than 60°.
- (5) Notwithstanding the provisions of Subsection E(1) below, if a front yard of 30 feet or more in depth is provided, the buffer yard may coincide with the front 30 feet of the front yard.
- (6) Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.

**E. Projection in yards.**

- (1) Cornices, eaves, gutters, bay windows, or chimneys may project into the front, side or rear yard of a lot not more than 24 inches.
- (2) Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any yard.

- (3) Apparatus or architectural structures needed for the efficient operations of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors or reflectors, may project not more than four feet into any required yard.

F. Obstruction to vision.

- (1) Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other plant material shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view or sight distance.
- (2) On corner lots no walls, fence, sign, or other structures in excess of 3 1/2 feet in height shall be erected or altered, and no hedge or other plant material in excess of 3 1/2 feet in height shall be permitted within 25 feet in any direction of the intersection of the street right-of-way.

G. Fences and walls.

- (1) Fences and walls may be erected, altered, and maintained within the side and rear yards, up to a height of six feet, unless erected as a pool fence as discussed earlier in this article. No fences and walls are permitted in the front yard over four feet in height except as otherwise required by this chapter.
- (2) Any fence constructed in the front or side yard must be kept out of the public road right-of-way.
- (3) All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence or screen planting on all sides which face upon a lot in a more restricted zone.

**§ 360-130. Habitable floor area.**

The minimum habitable floor area of a dwelling unit hereafter erected shall be 600 square feet. In the case of apartment houses, the minimum habitable floor area shall be not less than 300 square feet per apartment, except those apartments designed for and occupied exclusively by one person, which apartments shall each contain not less than 150 square feet of habitable floor area.

**§ 360-131. Illumination.**

- A. The illumination of any sign shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.
- B. The illumination of the exterior grounds of commercial and industrial establishments shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.

**§ 360-132. Reduction of lot dimensions.**

The area, width, or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, courts and yards or other spaces are smaller, or so that the coverage is greater, than prescribed herein.

**§ 360-133. Performance standards.**

Hereafter, all uses of land, building and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions; provided, however, that any uses may be permitted except those specifically prohibited in the district regulations or general provisions, if adequate provisions and safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, subject to the securing of a permit therefor and subject to the carrying out of such provisions, restrictions, and safeguards.

**§ 360-134. Earth-sheltered housing.**

Earth-sheltered dwellings shall be permitted in any zone in which residential uses are permitted, subject to the provisions of the district in which located and further subject to the following provisions:

- A. The maximum grade on any berms or fill established for earth sheltering shall be a ratio of three feet horizontal distance to one foot of vertical height or the natural angle of repose for the soil, whichever is less. Such grades shall not extend beyond any property line except when the adjacent property is also to be constructed with earth sheltering and written permission is obtained from the owner. Berms or retaining walls constructed for earth sheltering shall not be placed in any easement.
- B. The main floor level, which is hereby defined as being the level containing the main living, eating, and cooking areas, shall be at or above the street grade for units facing onto a street, and not more than 1/2 story below street grade if facing away from the street unless the natural slope would normally accommodate a full walk-out story.
- C. Where earth cover is proposed to be placed on the roof, a minimum soil depth of 18 inches, with 24 inches preferred, shall be provided. Earth covering on walls for which retaining walls are established shall be equivalent to that provided by a 33% slope. Retaining walls more than four feet in height shall be certified by a structural engineer. Retaining walls constructed in a series or a slope, regardless of height, shall be founded within the stable slope angle for the soil type present.
- D. Each dwelling unit shall have an entrance on the street side of the dwelling generally at or above the street grade and incorporated in a facade not less than 10 feet deep and 20 feet wide.
- E. Grading shall avoid successive concentration of drainage onto adjoining properties unless that is the established drainage pattern or proper easements are obtained.

**§ 360-135. Solar access protection.**

- A. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion which:
  - (1) Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve-foot obstruction located on the lot line; and
  - (2) Has an area of not greater than one-half of the first floor area of the structure, or the largest floor of the structure, served.
- B. This section does not apply to accessory structures or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this chapter, whichever is later. This section controls any accessory structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.
- C. A statement that a solar energy collection system is to be installed on a lot shall be filed and recorded with the Township on the day the building permit for the solar system is issued, and the date of installation shall be the date of recordation. The solar facility must be completed and have a final inspection, approved by the Zoning Officer, within one calendar year from the date of installation.

**§ 360-136. Landscape buffers.**

In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and to otherwise maintain and protect the rural character of the district.

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structures and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than 20 feet.
- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a screen with a minimum opacity of 75%, and not less than six feet in height will be formed within three years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four feet; however, all clear-sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the

width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.

- F. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purpose of guaranteeing installation in accord with the requirements for land developments in Chapter 320, Subdivision and Land Development. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deterioration landscape material.
- G. Landscape buffers may also be required where a nonresidential district or an existing residential use adjoins a residential use at the discretion of the Board of Supervisors.

### **§ 360-137. Cluster option.**

This option permits the same maximum number of dwellings as would result on a tract from applying conventional lot size standards, but allowing increased density of dwelling clusters, while retaining open spaces.

- A. Districts in which permitted. A cluster of zero lot line development for one-family dwellings may be permitted only in the Agricultural, Intensive Agricultural, R-1, and R-2 Districts. Where the regulations included herein conflict with regulations included in the individual districts or other sections of this chapter, the regulations included herein shall apply.
- B. Regulations for zero lot line dwellings.
  - (1) Uses permitted: single-family dwellings and accessory uses permitted in the Agricultural, R-1 and R-2 Districts.
  - (2) Minimum size of development: five acres.
  - (3) Minimum lot size: no minimum is required if developed as a condominium; otherwise the lot size shall conform to the district in which it is located for a single-family detached dwelling.
  - (4) Number of units per cluster: the maximum number of units per cluster is eight units.
  - (5) Setback requirements:
    - (a) Front yard: same as district in which it is located.
    - (b) Side yard: one side yard must be zero; the other side yard may also be zero; if the second side yard is not zero, it must be at least 20 feet.
    - (c) Rear yard: same as district in which it is located.
  - (6) Maximum lot coverage: 25%.
  - (7) Building height. No principal building shall exceed 2 1/2 stories or 30 feet in height; and no accessory building shall exceed one story or 15 feet in height.
  - (8) Minimum off-street parking requirements. Two parking spaces shall be included for each dwelling unit. Garages may be included as parking spaces.
  - (9) Open space requirement. A minimum of 50% of the area shall have a vegetative (trees, bushes or grass) cover.

- C. Common open space and maintenance of facilities. Common open space is not required but may be permitted. If common open space is provided, provisions must conform to the condominium section of this chapter.
- D. Land development plan review. Any proposed zero lot line development plan must be submitted to the Township in conformance with Chapter 320, Subdivision and Land Development.

**§ 360-138. Courts.**

Courts shall conform to the following requirements:

- A. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep or congregate cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall open in such court. (This section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.)
- B. Outer court.
  - (1) The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows.
  - (2) However, when the depth of such court is less than six feet, the minimum width may be as little as twice the depth.
  - (3) The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width.
  - (4) The width of an outer court shall be not less than 2/3 the height of any opposing wall forming said court.
- C. Inner court.
  - (1) The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings.
  - (2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of fire-fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

**§ 360-139. Waste and sewage disposal.**

All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the appropriate agency (or Pennsylvania Department of Environmental Protection) shall be a prerequisite to the issuance of a zoning permit.

- A. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance, which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- B. All future uses or changes in use or modifications resulting in exceeding the capacity of the existing system or reconstruction of existing uses including replacing or rebuilding one residence for another even if destroyed by fire or natural disaster, that rely upon an on-lot sewage disposal system shall be required to specifically test for and secure one disposal site (field, bed, or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils' ability to filter sewage effluent until such time as the alternate field is activated due to malfunction of the initial disposal site.
- C. Regardless of any maximum lot area requirements listed elsewhere in this chapter, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwaters. Such determinations will be made by PA DEP through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection.
- D. As an alternative to an increased lot size, as described above in Subsection C, the applicant may extend a sewage effluent dispersal easement onto adjoining undeveloped property, and continue to comply with the required lot size. Such an easement must be recorded in language acceptable to the Township Solicitor.
- E. All materials or wastes, which might cause fumes or dust, which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors unless enclosed in containers which are adequate to eliminate such hazards.

**§ 360-140. Stormwater, erosion and sediment pollution control.**

Stormwater shall be managed and erosion and sedimentation controlled within Rye Township by all individuals, corporations, partnerships and property owners engaged in any earth-disturbance activity in accordance with the criteria outlined in Article VII, Design Standards, of Chapter 320, Subdivision and Land Development.

**§ 360-141. Environmental impact evaluation.**

- A. The Board of Supervisors may, upon recommendation from the Planning Commission and based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental impact evaluation for the following types of developments and uses:
  - (1) Industrial parks.



- (2) Light manufacturing or manufacturing or industrial uses.
  - (3) Junkyards.
  - (4) Mineral extraction.
  - (5) Mineral processing.
  - (6) Agricultural products processing.
  - (7) Solid waste facilities and staging areas.
  - (8) Warehouses and trucking terminals.
  - (9) Concentrated animal feeding operations.
  - (10) Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas.
  - (11) Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.
  - (12) Any use involving development in any floodplain area.
- B. Refer to Article VII, § 320-47, of the SALDO for the criteria of the environmental impact evaluation.

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## ARTICLE XVI Nonconformities

All lawful uses of land or of a building, sign or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

### **§ 360-142. Continuation.**

- A. At the time of the zoning review, the Zoning Officer shall identify and register the premises occupied by a lawful nonconforming use, building, sign or other structure existing at the effective date of this chapter and issue a certificate of nonconformance that shall be for the purpose of insuring to the owner(s) the right to continue a nonconforming use, building, sign, or other structure.
- B. Except as otherwise provided in this article, the lawful use of land, building, sign, or other structure existing at the date of the adoption of this chapter may be continued, although such use, building, sign, or other structure does not conform to the regulations specified by this chapter for the zoning district in which such land, use, building, sign, or other structure is located; provided, however, that no nonconforming lot of record shall be further reduced in size.

**§ 360-143. Abandonment.**

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act, on the part of the tenant or owner, to reinstate such use within a period of two years from the date of cessation or discontinuance. Such use shall not thereafter be reinstated, and the structure shall not be reoccupied except in conformance with this chapter.

**§ 360-144. Restoration.**

If any nonconforming use, building, sign, or other structure is destroyed by reason of windstorm, fire, explosion or other act of God or the public entity, the use, building, sign, or other structure may be rebuilt, restored or repaired in accordance with all other provisions of this chapter.

**§ 360-145. Reversion.**

A nonconforming use, if once changed into a conforming use, shall not be changed back again into a nonconforming use.

**§ 360-146. Alterations, improvements or expansions.**

A building or structure that is a nonconforming use may be altered, improved, or expanded, provided that the alteration, improvement, or expansion does not amount to a fifty-percent (50%) increase in the existing nonconforming building floor area beyond what existed at the time the building/structure first became nonconforming. Any said alteration, improvement, or expansion shall be measured in aggregate over the entire life of the nonconformity. All alterations, improvements, or expansions of the building/structure that occurred since the building/structure first became nonconforming shall count towards the above maximum increase. In addition, the following criteria shall apply:

- A. The proposed alteration, improvement, or expansion shall be within the lot limits that existed on the property in question at the time of the adoption of this chapter.
- B. The proposed alteration, improvement, or expansion will not cause an increased detrimental effect on the surrounding neighborhood.
- C. The alteration, improvement, extension, or enlargement shall conform to the height, area, yard, and coverage regulations of the zoning district in which it is located.
- D. The alteration, improvement, extension, or enlargement of the building/structure shall be provided with off-street parking and loading spaces as required by Article XVII, § 360-152, of this chapter.
- E. The alteration, improvement, extension, or enlargement does not replace a conforming use, building, or other structure.

**§ 360-147. Construction with prior approval.**

- A. Where a building or zoning permit has been issued 90 or more days prior to the effective date of this chapter and the proposed use, building, sign, or other structure does not conform to the requirements of this chapter, the proposed use, building, sign or other structure shall be considered the same as a lawful use, building, sign, or other structure and shall be regulated by the requirements of this article.
- B. Where a building or zoning permit has been issued less than 90 days prior to the effective date of this chapter and the proposed use, building, sign, or other structure does not conform to the requirements of this chapter, the proposed use, building, sign, or other structure shall be considered the same as a lawful use, building, sign, or other structure and shall be regulated by the requirements of the article only if at least one of the following conditions has been met prior to the effective date of this chapter:
  - (1) Construction other than excavation has been started.
  - (2) A contract for construction other than excavation has been let.

**§ 360-148. District changes.**

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another zoning district of a different classification, the foregoing provisions shall also apply to any nonconformities existing therein or created thereby.

**§ 360-149. Discontinued nonconforming use of open land.**

All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming uses of open land not involving a substantial investment in permanent buildings, when discontinued for a period of six months or damaged to an extent of 60% or more of replacement costs, shall not be continued, repaired or reconstructed.

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ARTICLE XVII  
**Off-Street Parking**

**§ 360-150. General parking regulations.**

- A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons 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 space located off the public right-of-way.
- B. Outdoor parking space shall not be deemed to be part of the open space of the lot upon which it is located.

- C. 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 or building requirements. The garage may be constructed under a yard or court, provided that the level of such yard or court shall conform to the general level of the other yards or courts on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. Off-street parking may not be permitted in the front yard in residential districts.
- E. For any residential or commercial property proposing a driveway onto a State owned road or a Township road classified as a Collector or higher in accordance with the Federal Highway Administration’s highway functional classifications, a turnaround space shall be provided. The turnaround is to be designed to allow for the turning around of vehicles. This is not to be considered a required parking space, or used as such, and is in addition to the requirements listed below for residential and commercial dwellings.

**§ 360-151. Facilities required.**

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than minimum parking spaces as set forth below.

**§ 360-152. Off-street parking space requirements.**

- A. Residential.

**Table 360-152A  
Residential Off-Street Parking Requirements**

<b>Uses</b>	<b>Minimum Space Requirements</b>
Single- and two-family dwellings	2 for each family or dwelling unit + 1 turnaround space (if required)
Multiple dwellings	1.5 spaces per dwelling + 1 turnaround space (if required)
Hotels, motels, tourist houses, boardinghouses and room lodging houses	1 space for each guest
Rooming houses	1 for each bedroom

- B. Commercial.

**Table 360-152B  
Commercial Off-Street Parking Requirements**

<b>Uses</b>	<b>Minimum Space Requirements</b>
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Automobile sales and service garages	1 for each 400 square feet of floor area
Banks	1 for each 400 square feet of floor area
Bowling alleys	5 for each alley
Car wash	5 for each car wash bay
Dance halls, swimming pools, roller rinks, clubs, lodges and other similar places and other commercial buildings	1 for each 100 square feet of floor area or of water area in swimming pool
Driving ranges and miniature golf	1 for each tee
Food supermarkets	1 for each 400 square feet of floor area
Funeral homes and mortuaries	5 for each parlor
Furniture or appliance stores	1 for each 400 square feet of floor area
Medical and dental offices	5 spaces for each doctor or dentist
Office buildings	1 space for each 400 square feet of floor area
Restaurants	1 for each 2.5 seats
Retail stores	1 for each 120 square feet of floor area
Service stations	2 for each service bay
Auditoriums, sports arenas, theaters, and assembly halls	1 for each 3.5 seats
Trailer or monument sales or auctions	1 for each 2,500 square feet of lot area

C. Industrial.

**Table 360-152C  
Industrial Off-Street Parking Requirements**

<b>Uses</b>	<b>Minimum Space Requirements</b>
Manufacturing plants, research or testing laboratories, and bottling plants	1 for each 1,000 square feet of floor area, plus 1 for each 2 employees in the maximum work shift; the total parking area shall be not less than 25% of the building floor area

Warehouse or wholesale establishments	1 for each 2 employees on maximum shift; the total parking area shall be not less than 25% of the building floor area
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D. Public and semipublic areas.

**Table 360-152D  
Public and Semipublic Off-Street Parking Requirements**

<b>Uses</b>	<b>Minimum Space Requirements</b>
Churches and schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Community buildings and social halls	1 for each 100 square feet of floor area
Hospitals, nursing and convalescing homes	1 for each 3 beds, plus 1 for each employee

**§ 360-153. Location of parking spaces.**

Parking spaces for multiple dwelling buildings, commercial or industrial uses, and nonresidential uses shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot and in the same zoning district as the principal building or open area conforming to the following regulations:

- A. The required parking spaces shall be situated within 600 feet of the principal building or open space in question, and shall not be located within the roadway right-of-way.
- B. That such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board, binding the owner and his heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

**§ 360-154. Design standards.**

The minimum dimensions of parking facilities to be provided shall be as follows:

- A. In all districts net parking space per vehicle shall be not less than 10 feet wide and 20 feet long, except when more than 10 parking spaces are required, in which case a maximum of 40% of the parking spaces may be provided for compact vehicles. Each compact parking space shall not be less than eight feet wide by 18 feet long. All compact parking shall be arranged and located in the same area and be marked to indicate spaces designated for compact parking.
- B. In all districts except for single-family dwellings, there shall be no less than 20 feet of open space between the curb line or edge of any parking area and the outside wall of any building.

- C. Turnaround spaces: The minimum size of a perpendicular turnaround space shall be not less than 10 feet wide and 20 feet long with minimum radii to tie into the driveway of 5 feet. If the driveway is of acceptable area to fully contain a three point turning maneuver of a passenger vehicle (an area of at least a 25’ width and 25’ length), the turnaround space requirement may be waived.
- D. Parking lot dimensions shall be no less than those listed in the following table.

**Table 360-154D  
Parking Facility Design Standards**

<b>Angle of Parking</b>	<b>Parking Bay Width (feet)</b>	<b>Depth from Curb* (feet)</b>	<b>Aisle Width One- Way (feet)</b>	<b>Aisle Width Two- Way (feet)</b>
90°	10	20	24	24
60°	10	22	18	20
45°	10	21	15	20
30°	10	19	12	20

NOTES:

\* Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parked vehicles and not including any part of the drive.

- E. All dead end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
- F. Parking areas shall be designed so that each motor vehicle may proceed to and from a parking space provided for it without requiring the moving of any other motor vehicle.
- G. The width of entrance and exit drives shall be a minimum of 12 feet for one-way use only, a minimum of 20 feet for two-way use (except where 90° parking is used in which case the minimum shall be not less than 24 feet and a maximum of 24 feet at the street line).
- H. Setback for parking areas shall be provided as follows:
  - (1) All parking spaces and access drives shall be at least 20 feet from any multiple dwelling building, commercial building, and industrial building on the lot;
  - (2) All parking spaces and access drives shall be at least five feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area; and
  - (3) Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five-foot planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
- I. Separate parking areas on a parcel or development shall be physically separated from one another by eight-foot planting strips.

- J. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street's view and from the ground level of adjoining residential districts.
- K. Interior landscaping of parking lot.
  - (1) A minimum of 5% of the interior parking lot area shall be landscaped when:
    - (a) There are a total of 40 or more parking spaces in the parking lot.
    - (b) There are one or more interior aisle(s) provided in the parking lot with 10 or more parking spaces.
  - (2) The required five-percent interior parking lot landscaped area shall be landscaped with shade trees and ground cover. The following alternatives are permitted separately or in combination:
    - (a) Provide a continuous landscape strip between every four rows of parking. The landscape strip shall be a minimum of eight feet in width to accommodate shade trees and other landscaping.
    - (b) Provide large planting islands greater than 600 square feet in size and planted with shade trees and ground cover throughout the lot at the ends of parking rows.
    - (c) Provide planting islands at a minimum of nine feet wide between every 10 spaces.
  - (3) A minimum of one shade tree shall be required for each eight spaces and planted in the interior planting islands and/or landscape strips.

**§ 360-155. Handicapped parking.**

Handicapped parking spaces shall be provided and shall comply with the current accessibility regulations enforced by the Commonwealth of Pennsylvania.

**§ 360-156. Drainage, surfacing, and maintenance standards.**

- A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Municipal Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. Pervious pavement, landscaped bioretention islands, and other stormwater management best management practices shall be incorporated in designs to the greatest extent practicable.
- B. Parking areas shall be kept clean and free from rubbish and debris.
- C. Ghost parking. Ghost parking which shall include areas of required parking facilities that may remain unpaved, leveled and stabilized in a grass condition, but that also may be constructed with other pervious surfaces acceptable to the Township Engineer and/or as provided in Chapter 320, Subdivision and Land Development, and/or any applicable Township construction and materials specifications, so as to provide for overflow parking for other, seasonal or event peak times, shall be permitted subject to the following:



- (1) The applicant shall submit a plan showing all required parking spaces, aisles and/or accessways, landscaping and buffer areas, designed in strict conformance with all other requirements of this article and:
  - (a) All those parking related improvements and facilities that are to be constructed.
  - (b) All ghost parking spaces which shall be delineated on the plan and designated as "reserved for future use" required to meet the minimum number of required parking spaces but otherwise not to be constructed in full compliance with the requirements of this chapter.
- (2) Ghost parking spaces shall not exceed 20% or more of the minimum required parking spaces.
- (3) All areas designated as ghost parking may count toward any open space requirements.
- (4) The applicant shall enter into an agreement with the Township agreeing to design and construct all parking related improvements, including all related stormwater management improvements, which have not been previously constructed within six months of notification from the Township. Such agreement shall be in a form acceptable to the Township Solicitor.

**§ 360-157. Lighting.**

- A. Any lighting used to illuminate off-street parking or loading areas shall include low cutoff fixtures, and shall be arranged so that the direct rays from the lights will not fall beyond the property line.
- B. Maximum height of fixtures shall not exceed 20 feet above grade.

**§ 360-158. Loading and unloading space.**

- A. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
- B. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed 10,000 square feet, one additional loading berth shall be provided for each 10,000 square feet of gross floor area. The off-street loading berth shall be not less than 10 feet wide, 35 feet in length, and 14 feet in height.
- C. Hotels shall have at least one loading berth, with an additional loading berth when the gross floor area exceeds 50,000 square feet.

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ARTICLE XVIII  
**Motor Vehicle Access**

Wherever motor vehicle access is provided from the street (or private road) onto the lot, the following regulations shall apply:

**§ 360-159. Driveways and curbs.**

Access to the lot shall comply with the following regulations:

- A. For nondwelling uses, where there is an existing curb and gutter or sidewalk on the street (or private road), a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street (or private road) side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the Municipal Engineer.
- B. Submission of plan. A scale drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation in addition to being approved by the Board of Supervisors.
- C. Other requirements.
  - (1) Number of driveways. The number and location of driveways which may be granted will be based on usage, interior and exterior traffic patterns, and current design policy of the Township.
    - (a) Only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a nonresidential property.
    - (b) If the property frontage exceeds 600 feet, the Township may authorize an additional driveway.
- D. Tracking of soil or mud onto streets and roads within the Township is prohibited. All permanent driveways in districts not requiring paving as a condition of permitted use shall be maintained in a stable, mud-free condition. Temporary driveways and accesses shall be provided during land development or building construction in all districts. The temporary driveways and accesses shall utilize a stabilized construction entrance consisting of a minimum of surface and length according to the requirements shown in PennDOT Publication 72M, RC-77M, Rock Construction Entrance or PA DEP Erosion and Sediment Pollution Control Program Manual Standard Construction Detail #3-1 Rock Construction Entrance, and shall be installed prior to use of the access road by vehicles.
- E. All driveways shall further submit to the design criteria outlined in Article VII, § 320-44, of Chapter 320, Subdivision and Land Development.

**§ 360-160. Location of gasoline pumps.**

Gasoline pumps and all other service equipment shall be located within the setback requirements of the zoning district where permitted and shall be so located that vehicles stopped for service will not extend over the property line.

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ARTICLE XIX  
**Wind Energy Facilities**

**§ 360-161. Purpose.**

The purpose of this article is to provide for the construction and operation of wind energy facilities in Rye Township, subject to reasonable conditions that will protect the public health, safety, and welfare.

**§ 360-162. Applicability.**

- A. This article applies to all wind energy facilities proposed to be constructed after the effective date of this chapter, except that this article is not intended to apply to standalone wind turbines constructed primarily for residential or farm use.
- B. Wind energy facilities constructed prior to the effective date of this chapter shall not be required to meet the requirements of this article, provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a permit under this article.

**§ 360-163. Permitted use.**

Wind energy facilities shall be considered as follows:

- A. Permitted use in the AG Agricultural District and IA Intensive Agricultural District.
- B. By special exception in the CF Conservation District.
- C. Wind energy facilities, excluding personal standalone wind turbines, shall not be permitted in any other district not listed above.

**§ 360-164. Permit requirement.**

- A. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within Rye Township unless a permit has been issued to the facility owner or operator approving construction of the facility under this article.
- B. The permit application or amended permit application shall be subject to the approval of the Board of Supervisors, by resolution, establishing a fee schedule per each wind turbine.

- C. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a permit modification under this article. Like-kind replacements shall not require a permit modification.

**§ 360-165. Permit application.**

- A. The permit application shall demonstrate that the proposed wind energy facility will comply with this article.

- B. Among other things, the application shall contain the following:

- (1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
- (3) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.
- (4) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, layout of all structures within the geographical boundaries of any applicable setback.
- (5) In addition, a site plan shall be provided showing the area of disturbance. All areas of disturbance shall comply with all requirements contained in Chapter 320, Subdivision and Land Development, and this chapter.
- (6) Documents related to decommissioning.
- (7) Documentation that the applicant has complied with the Pennsylvania Game Commission preconstruction wildlife surveys.
- (8) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Rye Township to ensure compliance with this article.

- C. Within 30 days after receipt of a permit application, Rye Township will determine whether the application is complete and advise the applicant accordingly.

- D. Within 60 days of a completeness determination, Rye Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

- E. Within 120 days of a completeness determination, or within 45 days after the close of any hearing, whichever is later, Rye Township will make a decision whether to issue or deny the permit application.
- F. Throughout the permit process, the applicant shall promptly notify Rye Township of any changes to the information contained in the permit application.
- G. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

**§ 360-166. Design and installation.**

- A. Design safety certification. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- B. Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 through 403.142.
- C. Controls and brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- D. Electrical components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- E. Visual appearance; power lines.
  - (1) Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
  - (2) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - (3) Wind turbines shall not display signs of advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator. The maximum size sign for each wind turbine shall be four square feet.
  - (4) On-site transmission and power lines between wind turbines shall be placed underground.
- F. Warnings.
  - (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

G. Climb prevention/locks.

- (1) Wind turbines shall not be climbable up to 15 feet above ground surface.
- (2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.

**§ 360-167. Setbacks.**

A. Occupied buildings.

- (1) Wind turbines shall be set back from the nearest occupied building a minimum of 1,000 feet or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- (2) Wind turbines shall be set back from the nearest occupied building located on a nonparticipating landowner's property a distance of 2,000 feet or five times the hub height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

B. Property lines. All wind turbines shall be set back from the nearest property line a distance of not less than 2,000 feet or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.

C. Public roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

D. Sensitive natural and cultural resources. Each wind turbine generator shall be set back a distance of no less than 2,500 feet from the nearest sensitive natural and/or cultural resources as listed below. Documentation of coordination with resource agencies verifying the identification of these resources must be provided to the Township as part of the application:

- (1) Important bird areas (IBAs) as identified by the National Audubon Society, Bird Life International and/or any other similar recognized agency or authority;
- (2) Biological species listed as endangered, threatened, or rare as identified by the Pennsylvania Natural Diversity Inventory (PNDI);
- (3) National wetland inventory (NWI) wetlands or other wetlands as identified through a United States Army Corps of Engineers jurisdictional determination;
- (4) Historic structures listed or eligible for listing on the National Register of Historic Places (NRHP);
- (5) Cumberland/Perry County Natural Heritage Areas Inventory sites;
- (6) Lakes, dams, ponds, and public water source wells and springs; and
- (7) The Appalachian Trail and other publicly owned recreational facilities.

**§ 360-168. Waiver of setbacks.**

- A. Property owners may waive the setback requirements in § 360-167A(2) (occupied buildings on nonparticipating landowner's property) and § 360-167B (property lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
- B. The written waiver shall notify the property owner(s) of the setback required by this article, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be set back as required by this article.
- C. Any such waiver shall be recorded in the Recorder of Deeds Office for the county where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
- D. Upon application, the Rye Township may waive the setback requirement for public roads for good cause.

**§ 360-169. Use of public roads.**

- A. The applicant shall identify all state and local public roads to be used within Rye Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
- B. The Rye Township Engineer or a qualified third-party engineer hired by Rye Township and paid for by the applicant shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.
- C. The Rye Township may bond the road in compliance with state regulations.
- D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
- E. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

**§ 360-170. Local emergency services.**

- A. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
- B. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

**§ 360-171. Noise and shadow flicker.**

- A. Audible sound from a wind energy facility shall not exceed 45 dBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1, 1989, titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
- B. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a nonparticipating landowner's property.

**§ 360-172. Waiver of noise and shadow flicker provisions.**

- A. Adjacent or abutting property owners may waive the noise and shadow flicker provisions of this article by signing a waiver of their rights.
- B. The written waiver shall notify the property owner(s) of the sound or flicker limits in this article, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this article.
- C. Any such waiver shall be recorded in the Recorder of Deeds Office of the county where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

**§ 360-173. Signal interference.**

The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

**§ 360-174. Liability insurance.**

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Certificates shall be made available to the Rye Township upon request.

**§ 360-175. Decommissioning.**

- A. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- B. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.



- C. Disturbed earth shall be graded and reseeded unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- D. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to Rye Township after the first year of operation and every fifth year thereafter.
- E. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by Rye Township.
- F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Rye Township.
- G. If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection A, then the landowner shall have six months to complete decommissioning.
- H. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by Subsections A and G, then the Rye Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Rye Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Rye Township may take such action as necessary to implement the decommissioning plan.
- I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

**§ 360-176. Public inquiries and complaints.**

- A. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- B. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

**§ 360-177. Personal standalone wind turbines.**

Personal standalone wind turbines constructed primarily for use on the property upon which the wind turbine is located are permitted in all zoning districts as a conditional use, although secondary to the principal use of the property, and shall conform to the following requirements:

- A. The requirements for personal wind turbines shall be limited to the provisions in this section.
- B. Any structure supporting the wind turbine, including guideposts and cables, and aboveground fuel storage tanks shall be independent of any occupied structure and located a minimum distance of the turbine height plus 10 feet from any existing aerial utility line or occupied dwelling, and shall not be more than 75 feet in height.
- C. The minimum distance between the wind turbine and any property line shall not be less than twice the turbine height.
- D. The minimum distance between the ground and the lowest point of the wind rotor blade shall be 20 feet.
- E. All electrical or utility lines shall be buried underground.
- F. One wind turbine shall be permitted per lot, and all energy produced from such turbine shall be used on the lot.
- G. The wind turbine shall be enclosed by a six-foot fence with locking gate or the base of the wind turbine shall not be climbable for a distance of 12 feet.
- H. The use of personal standalone wind turbines shall be limited to properties containing two acres or more.
- I. Audible sound from a personal standalone shall not exceed 35 dBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for prevision described in AWEA Standard 2.1, 1989, titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1: First Tier.
- J. The wind turbine as well as any structure used to support the wind turbine shall comply with the Uniform Construction Code as may be amended from time to time.
- K. Roof-mounted wind turbines shall be permitted to be located on any building complying with this chapter. The wind turbine shall not be considered in determining the building's height for the purpose of compliance with the maximum height regulations.

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ARTICLE XX

**Floodplain Overlay Regulations**

**§ 360-178. Statutory Authorization.**

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

**§ 360-179. Intent.**

The intent of this Ordinance is to:

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

**§ 360-180. Applicability.**

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Rye unless a Zoning Permit has been obtained from Zoning Officer pursuant to direction of the Floodplain Administrator and approval by the Rye Township Board of Supervisors.

**§ 360-181. Abrogation and greater restrictions.**

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

**§ 360-182. Severability.**

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

**§ 360-183. Warning and disclaimer of liability.**

- A. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.
- B. This article shall not create liability on the part of the Township of Rye or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

**§ 360-184. Designation of the Floodplain Administrator.**

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

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Township Secretary/Treasurer, pursuant to direction by the Rye Township Planning Commission and the Rye Township Zoning Officer.

**§ 360-185. Permits required.**

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

**§ 360-186. Duties and responsibilities of the Floodplain Administrator.**

- A. The Floodplain Administrator shall recommend issuance of a Zoning Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the

applicant(s) shall document, and the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.

- D. In the case of existing structures, prior to the issuance of any Development/Permit, the applicant(s) shall document, and the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.
- E. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary. All expenses for any inspections shall be the applicants' responsibility in accordance with the Township's current fee schedule.
- F. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- G. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- I. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- J. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- K. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

**§ 360-187. Application procedures and requirements.**

- A. Application for such a Zoning Permit shall be made, in writing, to the Floodplain Administrator via the Township Secretary/Treasurer on forms supplied by the Township of Rye. Such application shall contain the following:
  - (1) Name and address of applicant.

- (2) Name and address of owner of land on which proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location including address.
  - (5) Listing of other permits required.
  - (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
  - (4) Structures will be anchored to prevent floatation, collapse, or lateral movement;
  - (5) Building materials are flood-resistant;
  - (6) Appropriate practices that minimize flood damage have been used; and
  - (7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (1) A completed Zoning Permit Application Form corresponding to 320 Attachment 1, 320 Attachment 2 (preliminary submission) and 320 Attachment 3 (final submission) of the Rye Township Subdivision and Land Development Ordinance, Chapter 320, executed to address all types of development as defined by NFIP, and specific to each proposed activity.
  - (2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - (a) North arrow, scale, and date;
    - (b) Topographic contour lines, if available;
    - (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - (d) The location of all existing streets, drives, and other access ways; and

- (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988 (or datum referenced on most current FIRM);
  - (b) The elevation of the base flood;
  - (c) Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
- (4) The following data and documentation:
- (a) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
  - (b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
  - (c) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Identified Floodplain Area (See § 360-195) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.
  - (d) Certified “as-built” drawings and a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been constructed in accordance with the approved plans including approved modifications thereto and has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.  
  
Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
  - (e) Detailed information needed to determine compliance with §360-202 F., Storage, and §360-203, Development Which May Endanger Human Life, including:
    - [1] The amount, location and purpose of any materials or substances referred to in §360-202 F. and §360-203 which are intended to be used, produced, stored or otherwise maintained on site.
    - [2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §360-203 during a base flood.
  - (f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and

sedimentation control.

- D. Applications for Zoning Permits shall be accompanied by a fee, payable to the municipality based upon the adopted fee schedule rates or when applicable, the estimated cost of the proposed construction as determined by the Floodplain Administrator. The rates shall be determined from time to time by the Board of Supervisors by resolution.

**§ 360-188. Review by County Conservation District.**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Zoning Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

**§ 360-189. Review of application by others.**

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

**§ 360-190. Changes.**

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

**§ 360-191. Placards.**

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

**§ 360-192. Start of construction.**

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the Building permit. Permit work shall also be completed within twelve (12) months after the date of issuance of the Building permit, or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator or Zoning Officer as



appropriate. The issuance of a Building permit does not refer to, but is contingent upon issuance of zoning permit/approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction requires issuance of a building permit but does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. A Land Disturbance approval shall be issued by the Township via approved zoning permit prior to initiating any Site earth work within any Floodplain area. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

**§ 360-193. Enforcement.**

- A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
  - (1) Be in writing;
  - (2) Include a statement of the reasons for its issuance;
  - (3) Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
  - (4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
  - (5) Contain an outline of remedial actions which, if taken, will affect compliance with the provisions of this Ordinance.
- B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall be punishable as provided in ARTICLE XXIII, ADMINISTRATION AND ENFORCEMENT; VIOLATIONS AND PENALTIES of

the Rye Township Zoning Ordinance, Chapter 360. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with this Article shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

**§ 360-194. Appeals.**

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

**§ 360-195. Identification.**

The identified floodplain area shall be:

- A. Any areas of Township of Rye, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated June 20, 2019 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,
- B. Any Community Identified Flood Hazard Areas.

The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Rye and declared to be a part of this ordinance.

**§ 360-196. Description and special requirements of identified floodplain areas.**

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

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the base flood water surface elevations by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

- (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office and applicant complies with the provisions of Chapter 360 Zoning, § 200 B, sub-paragraphs (1), (2), and (3).
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
  - (2) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
    - (a) No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels within the entire community during the occurrence of the base flood discharge.
    - (b) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- C. The “A” Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the ground elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- In lieu of the above, the municipality may require the applicant to determine the base flood elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.
- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance

shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established and demarcated on the development plan to guide floodwaters around and away from structures on slopes.

- E. Community Identified Flood Hazard Areas shall be those areas where Township of Rye has identified local flood hazard or ponding areas, as delineated and adopted on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks, alluvial soils or approximate study methodologies.
- F. Rye Township requires that flooding potential at proposed land development sites be determined by the applicant by identification of the one-percent (1%) annual chance flood frequency floodwater discharge(s), water surface elevation(s) (BFEs) and corresponding flood inundation limits for watercourses with contributing drainage area of fifty (50) acres or more. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers with demonstrated qualifications, who shall certify by professional engineering seal that methods used were correctly applied and reflect currently accepted technical concepts approved by FEMA.

**§ 360-197. Changes in identification of area.**

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See § 360-200 for situations where FEMA notification is required.

**§ 360-198. Boundary disputes.**

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

**§ 360-199. Jurisdictional boundary changes.**

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

**§ 360-200. General technical provisions.**

A. Alteration or Relocation of Watercourse

- (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have

been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

- (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

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

- (1) Any development that causes a rise in the base flood elevations within the floodway; or
- (2) Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges) applicant shall (as per 44 CFR Part 65.12):
  - (a) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
  - (b) Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
  - (c) Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

**§ 360-201. Elevation and floodproofing requirements.**

Within any Identified Floodplain Area any new construction or substantial improvements shall be prohibited. If a variance is obtained for new construction or substantial improvements in the Identified Floodplain Area in accordance with the criteria in § 360-210 and § 360-211, then the following provisions apply:

A. Residential Structures

- (1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
- (2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Subsection 360 -196 C. of this ordinance.

- (3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- (4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

#### B. Non-residential Structures

- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
  - (a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
  - (b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
- (2) In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with § 360-196 C. of this ordinance.
- (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- (4) Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
- (5) Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
  - (a) An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
    - [1] Mechanical equipment such as sump pumps and generators,
    - [2] Flood shields and closures,

[3] Walls and wall penetrations, and

[4] Levees and berms (as applicable)

(b) Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The applicant's design professional must produce the plan. An adequate plan must include the following:

[1] An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.

[2] A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building shall have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.

[3] A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.

[4] An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.

[5] A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.

(6) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

#### C. Space below the lowest floor

(1) Basements are prohibited.

(2) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(3) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls

(b) The bottom of all openings shall be no higher than one (1) foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### D. Historic Structures

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

E. Accessory structures

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

- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- (2) Floor area shall not exceed 200 square feet.
- (3) The structure will have a low damage potential.
- (4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- (5) Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
- (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (7) Sanitary facilities are prohibited.
- (8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (9) If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy. No variances shall be granted for a proposed accessory structure that exceeds two hundred (200) square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- (10) Prohibit the storage of Hazardous Materials in accessory structures.



## **§ 360-202. Design and construction standards.**

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

### **A. Fill**

Within any Identified Floodplain Area, the use of fill shall be prohibited. If a variance is obtained in accordance with the criteria in § 360-210 and 360-211, then the following provisions apply:

- (1) If fill is used, it shall:
  - (a) Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - (b) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
  - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - (d) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data (slope stability analysis for the relevant design case prepared by a qualified Geotechnical Engineer) justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
  - (e) Be used to the extent to which it does not adversely affect adjacent properties.

### **B. Drainage Facilities**

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

### **C. Water and Sanitary Sewer Facilities and Systems**

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

### **D. Other Utilities**

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

### **E. Streets**

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

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 360-203, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

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

H. Anchoring

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

I. Floors, Walls and Ceilings

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

J. Paints and Adhesives

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

K. Electrical Components

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

L. Equipment

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

#### M. Fuel Supply Systems

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

#### N. Uniform Construction Code Coordination

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

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

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

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

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

### **§ 360-203. Development which may endanger human life.**

Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited. If a variance is obtained in accordance with the criteria in § 360-10 and 360-211, then the following provisions apply: (§ 360-203 B, C, & D)

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

- (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
- (2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- (3) Will involve the production, storage, or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
  - (a) Acetone
  - (b) Ammonia

- (c) Benzene
  - (d) Calcium carbide
  - (e) Carbon disulfide
  - (f) Celluloid
  - (g) Chlorine
  - (h) Hydrochloric acid
  - (i) Hydrocyanic acid
  - (j) Magnesium
  - (k) Nitric acid and oxides of nitrogen
  - (l) Petroleum products (gasoline, fuel oil, etc.)
  - (m) Phosphorus
  - (n) Potassium
  - (o) Sodium
  - (p) Sulphur and Sulphur products
  - (q) Pesticides (including insecticides, fungicides, and rodenticides)
  - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50') feet landward from the top-of-bank of any watercourse.
- C. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in § 360-203 (A), above, shall be elevated to remain completely dry up to at least two (2.0) vertical feet above base flood elevation and built in accordance with § 360-200, § 360-201, § 360-202.
- D. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in § 360-203 (A) above, shall be built in accordance with § 360-200, § 360-201, § 360-202 including:
- (1) Elevated, or designed and constructed to remain completely dry up to at least two (2.0) vertical feet above base flood elevation, and
  - (2) Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

**§ 360-204. Special requirements for subdivisions and development.**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements including all review and processing fees shall be the responsibility of the applicant.

**§ 360-205. Special requirements for manufactured homes.**

- A. Within any Identified Floodplain Area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in, § 360-210 and § 360-211 then the following provisions apply:
- B. Within any Floodway Area/District, manufactured homes shall be prohibited.
- C. Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted by variance within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  - (1) Placed on a permanent foundation;
  - (2) Elevated so that the lowest floor of the manufactured home is at least two (2.0) vertical feet above base flood elevation;
  - (3) And anchored to resist flotation, collapse, or lateral movement.
- E. Equipment requirement:
  - (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral improvement.
  - (2) Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
- F. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- G. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

**§ 360-206. Special requirements for recreational vehicles.**

Within any Identified Floodplain Area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in § 360-210 and § 360-211, then the following provisions apply:

- A. Recreational vehicles in Zones A, A1-30, AH and AE must:
  - (1) Be on the site for fewer than 180 consecutive days, and
  - (2) Be fully licensed and ready for highway use and,
  - (3) Be removed from the floodplain when a flood warning is issued.

**§ 360-207. General prohibited activities.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals
  - (2) Nursing homes
  - (3) Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

**§ 360-208. Existing structures in identified floodplain areas.**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 360-209 shall apply.

**§ 360-209. Improvements in identified floodplain areas.**

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in §360-196 C.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the

provisions of this Ordinance.

- C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- D. Within any Floodway Area/District (See § 360-196 A.), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office
- E. Within any AE Area/District without Floodway (See § 360-196 B.), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- F. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “cumulative substantial damage” shall be undertaken only in full compliance with the provisions of this ordinance.

**§ 360-210. Variances.**

General: If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Rye Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

**§ 360-211. Variance procedures and conditions.**

Requests for variances shall be considered by the Township of Rye Zoning Hearing Board in accordance with the procedures contained in § 360-194 and the following:

- A. No variance shall be granted within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in § 360-196 C.
- B. Except for a possible modification of the Regulatory Flood Elevation requirement involved (see § 360-200 B.), no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development which May Endanger Human Life (§ 360-203).
- C. No variances shall be granted for a proposed accessory structure that exceeds 200 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. No variance shall be granted for Prohibited Activities (§ 360-207).
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the Township of Rye Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.

- G. Whenever a variance is granted, the Township of Rye Zoning Hearing Board shall notify the applicant in writing that:
- (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- H. In reviewing any request for a variance, the Township of Rye Zoning Hearing Board shall consider, at a minimum, the following:
- (1) That there is good and sufficient cause.
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will
    - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
    - (b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- I. A complete record of all variance requests and related actions shall be maintained by the Township of Rye Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

### **§ 360-212. Definitions.**

General: Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its' most reasonable application.

### **§ 360-213. Article specific definitions.**

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
- C. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- D. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- E. Basement - any area of the building having its floor below ground level on all sides.
- F. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- G. Cumulative substantial damage – flood related damages sustained by a structure on two or



more separate occasions during a 10-year period where the cumulative sum equals or exceeds fifty (50%) percent of the market value of the structure before the damages occurred. For example, if there are five (5) events that are ten (10%) per cent each in 10 years, the cumulative substantial damage is fifty (50%) per cent.

- H. Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
- I. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- J. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- K. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- L. Flood - a temporary inundation of normally dry land areas.
- M. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- N. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- O. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- P. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- Q. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- R. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- S. Historic structures – any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - (4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - (a) By an approved state program as determined by the Secretary of the Interior or
    - (b) Directly by the Secretary of the Interior in states without approved programs.
- T. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See § 360-195 and § 360-196 of this Ordinance for the specifics on what areas the community has included in the Identified Floodplain Area.
- U. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- V. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- W. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- X. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after August 15, 1979 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- Y. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- Z. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever,

which is recognized by law as the subject of rights and duties.

- AA. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated August 15, 1979, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- BB. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated August 15, 1979, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- CC. Recreational vehicle - a vehicle which is:
- (1) Built on a single chassis;
  - (2) Not more than 400 square feet, measured at the largest horizontal projections;
  - (3) Designed to be self-propelled or permanently towable by a light-duty truck,
  - (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- DD. Regulatory Flood Elevation - the base flood elevation (BFE) plus a freeboard safety factor of two (2.0) vertical feet or estimated flood height as determined using simplified methods plus a freeboard safety factor of two (2.0) vertical feet. The freeboard safety factor also applies to utilities and ductwork.
- EE. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- FF. Start of construction - includes substantial improvement and other proposed new development and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the building permit and shall be completed within twelve (12) months after the date of issuance of the building permit unless a time extension is granted, in writing, by the Floodplain Administrator or Zoning Officer as applicable. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction requires a building permit, but does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. A Land Disturbance Approval via a zoning permit shall be issued by the Township prior to initiating any Site earth work within any Floodplain area. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- GG. Structure – a walled and roofed building, including a gas or liquid storage tank that is

principally above ground, as well as a manufactured home.

- HH. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- II. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.
- JJ. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "cumulative substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- KK. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- LL. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
- MM. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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ARTICLE XXI  
**Trail and Utility Pipeline Overlay Regulations**

**§ 360-214. Trail Overlay District (Corridor).**

- A. The Trail Overlay District is hereby created to be defined by the area within 1,000 feet on each side of the center line of trails listed below:
- (1) Appalachian Trail as it is designated by the Appalachian Trail Conference.
  - (2) Darlington Trail in its current and proposed locations.
- B. The intent of the district is to provide a buffer from incompatible uses along these trails while recognizing that the trails may cross private lands where reasonable uses must be permitted. In addition to all other applicable standards of this chapter, the following requirements shall apply:
- (1) Buffer. Structures shall be prohibited within 100 feet of the trail corridor. Any structure permitted by variance within the buffer shall be screened as per § 360-136 of this chapter.
  - (2) Existing vegetation. Vegetation in the buffer shall not be disturbed except for maintenance purposes, the correction of hazardous conditions or the removal of invasive species, or as otherwise approved by the Township as part of a landscape or open space plan. Trees may be harvested to the extent that the basal area of trees in the buffer area shall not be reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher. "Basal area" is the area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.
  - (3) Conditional use. With the exception of forestry enterprises, any nonresidential use which is not otherwise classified as a conditional use, special exception or accessory use, and which is located within 1,000 feet of the center line of the trail, shall be considered a conditional use. All such uses shall be considered in terms of effects on the trail, and the Board of Supervisors shall attach such conditions deemed reasonable and necessary to afford protection to the trail.

**§ 360-215. Utility Pipeline Overlay District.**

The Utility Pipeline Overlay District applies to three principal areas of proximity with respect to an existing or publicly known proposed transmission pipeline. They include a no-build setback area; a setback area for larger populated buildings' and a consultation zone. Deed covenants are required to be placed on any subdivision or land development plan for all three areas advising of the dangers of construction activity in close proximity to pipelines. The following covenant is required to be placed on all subdivision and land development plans affecting property within 1,500' of a pipeline right-of-way:

“Current and prospective landowners are advised of the dangers of improving properties in close proximity to the pipeline right-of-way. The potential exists for facilities within close

proximity to the right-of-way to become compromised. Individuals are forewarned with any construction activity in these areas, there is inherent risk to both property and human health.”

In addition to all other applicable standards of this chapter, the following requirements shall apply:

- A. The no-build building setback distance applies to all structures, excluding accessory, and shall be a distance of 100’ from the pipeline right-of-way. Accessory buildings shall adhere to a 50’ setback distance from the pipeline right-of-way. This section also includes proposed rights-of-way that have proceeded to the point of advertisement for the Federal Energy Regulatory Commission (FERC) final public hearing. No hazardous or highly volatile materials are allowed to be stored within this initial setback area.
  
- B. The no-build building setback distance requirement applies to buildings or structures with high population totals within 500’ of a pipeline right-of-way, including proposed rights-of-way that have proceeded to advertisement of the FERC final public hearing. Reduce the susceptibility of damage to buildings or structures with large on-site population’s potentially needing evacuation consideration. The uses include but are not limited to:
  - (1) Educational Facilities
  - (2) Hospitals
  - (3) Care facilities such as a daycare
  - (4) Nursing homes
  - (5) Jails or prisons
  - (6) Development which in the opinion of Rye Township may endanger human life, such as facilities needing an evacuation plan, or sites where hazardous materials might be stored
  
- C. Individuals intent on subdividing or developing in the area running from the pipeline right-of-way to a distance of 1,500’ will be required to provide documentation confirming they have met with the applicable pipeline company staff on the structural improvements they are proposing and are aware of any risks.

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ARTICLE XXII  
**Standards and Criteria for Conditional Uses and Uses by Special Exception**

**§ 360-216. Cemeteries.**

Cemeteries are subject to:

- A. A minimum lot size of 10 acres shall be required for all commercial and private family cemeteries.
- B. A Subdivision and Land Development Plan shall be prepared and submitted in accordance with the Rye Township Subdivision and Land Development Ordinance.
- C. A drainage plan shall be submitted with the application for the use to show existing and proposed runoff characteristics.
- D. A groundwater study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.
- E. Plans for ingress/egress shall comply with the driveway ordinances found in Zoning Chapter 360 and Subdivision and Land Development Chapter 320.
- F. All property lines adjoining residential use shall include a screen planting as defined in **§360-136 Landscape Buffer**.
- G. The lot shall not contain any structures other than mausoleums or a property maintenance equipment building. In the case of a residential lot used for private family burials, structures shall comply with the applicable sections of the Zoning Ordinance.
- H. All property maintenance equipment shall be properly stored in an enclosed building when not in use.
- I. No burial sites or structures shall be located within 100 feet of any adjacent property line.
- J. The location of burial plots shall be recorded on the property's deed.

**§ 360-217. Chickens.**

The purpose of this section is to provide standards for the keeping of domesticated chickens.

A. Applicability

- (1) R-1 Residential District
- (2) R-2 Residential District
- (3) RV- Residential District

B. Definitions: Unless otherwise expressly stated, the following words and phrases shall be construed throughout this section to have the meanings herein indicated.

- (1) Applicant - A person who has applied for a Residential Chicken Permit
- (2) Chicken – Poultry or fowl of the species Gallus Domesticus. The species includes many different breeds of Chicken.
- (3) Chicken Coop (or “COOP”) – A structure for sheltering of female (pullets or hens) Chickens. An existing shed or garage may be used for this purpose, provided that it meets the standards for Chicken Coops set forth. A Chicken Coop shall be considered an

accessory structure, which may require separate permit(s).

- (4) Chicken Pen (or “PEN”) – An enclosure that is connected to/or surrounding a Chicken Coop for the purpose of allowing Chickens to leave the Coop while remaining in an enclosed predator-safe environment.
- (5) Permittee – A residential property owner who has received a Residential Chicken Permit for the keeping of chickens.
- (6) Residential Chicken Permit – A permit issued under the provisions of this Ordinance for the keeping of Chickens.
- (7) Rooster – Male chicken over the age of 4 months.

#### C. Number and Type of Chickens Allowed

- (1) The maximum number of Chickens allowed on a property on which a dwelling is located is SIX (6).
- (2) Only female chickens (pullets or hens) are permitted. No roosters.

#### D. Housing of Chickens

- (1) Chickens shall be housed in a Chicken Coop which has access to a Chicken Pen. During non-daylight hours, Chickens shall be secured in the Chicken Coop. The tract of land on which the chickens are to be kept is required to contain a single family dwelling, and shall be occupied and used as such and the tract shall be a minimum of two (2) acres, unless able to meet the requirements set forth in this Section, letter G, 8 and 9.
- (2) The Chicken Coop shall comply with all applicable setback requirements for residential accessory uses and structures. The Coop shall be stationary, enclosed with solid material on all sides and have a solid roof and door(s). The Coop shall be at least 18 inches high and provide at least 5 square feet of floor area per Chicken. The Coop shall provide no less than 1 square foot of window, with at least one (1) square foot of window per 15 square feet of floor. In addition, the Coop shall provide vents as necessary to ensure adequate ventilation. The materials for each element (walls, roof, windows and doors), shall be uniform and blend with the surrounding area. Doors shall be constructed so that they can close and lock. Windows shall be constructed so they can close. Windows and vents shall be covered with wire mesh with a maximum spacing of 1 inch by 1 inch. The Coop shall be impermeable to rodents, wild birds, dog, cats and other predators. The Coop shall provide adequate shelter from moisture and extremes of temperatures.
- (3) The Chicken Pen shall be constructed of wood or metal posts with wire mesh fencing material (wire mesh with a maximum spacing of 1 inch by 1 inch). The Pen shall contain at least 10 square feet of area per Chicken. The fence shall rise at least 4 feet above the ground and be buried at least 1 foot below the ground to prevent predators from digging underneath. The Pen shall be covered with wire mesh, aviary netting or solid roofing.
- (4) The Chicken Coop, Chicken Pen, and surrounding area shall be kept clean, dry, and odor-free, and in a neat and sanitary condition at all times. All stored feed shall be kept in metal, rodent-proof containers. All manure, uneaten feed, and other trash shall be removed in a timely manner but at least once every six (6) weeks or sooner if they get wet or develop an odor. All manure and uneaten food and trash shall be disposed of by using an



approved sanitary method including composting, or double bagging manure and placing the manure in the trash for collection. The Permittee shall take any and all necessary action(s) to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Any eggs shall be collected daily.

- (5) Slaughter of Chickens is permitted. It must be done wholly on the property where the chickens are kept and only for personal use. If a Chicken dies (naturally) it shall be disposed of in accordance with the Domestic Animal Law, (3 Pa.C.S. § 2352) as applicable.
- (6) Chickens shall have access to feed and clean water at all times and such feed and water shall be inaccessible to rodents, wild birds and predators. Chickens shall be provided adequate bedding in the Coop and roosts, six (6) inches per bird, are encouraged along with Nesting Boxes and adequate lighting.

#### E. Residential Chicken Zoning Permit Requirements and Application

- (1) In order to obtain a permit, an applicant shall submit an application on the forms provided by the Township office.
  - (a) Fees will be established by a resolution of the Township Board of Supervisors.
  - (b) Notwithstanding the issuance of a Residential Chicken Zoning Permit by the Township, private restrictions on the use of land/property shall remain enforceable as provided by law, and the Township's issuance of a Residential Chicken Zoning Permit does not remove or supersede private restrictions in effect. No person shall make Application for a Residential Chicken Zoning Permit who knows, or has reason to know that private restrictions prohibit the keeping of Chickens. Private restrictions include but are not limited to: rental contracts, deed restrictions, condominium master deed restrictions, neighborhood association's by-laws, and covenant deeds.
  - (c) Residential Chicken Zoning Permit issued to a person whose property is subject to private restrictions that prohibit the keeping of Chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (2) A Residential Chicken Zoning Permit Application shall be submitted on the form established by the Township, and at a minimum shall contain the following information:
  - (a) A signature of the land owner(s) of the subject property;
  - (b) The signature of any lessee or tenant who will be responsible for the keeping of Chickens;
  - (c) The address of the subject property;
  - (d) A verification that to the owner's knowledge, there is no private restriction against the keeping of Chickens;
  - (e) A verification that the Applicant is familiar with the requirements set forth in this ordinance section for the keeping of Chickens.
  - (f) Provides a sketch plan with the setbacks and housing requirements.

## G. Responsibilities of the Permittee

A person engaged in the keeping of Chickens on his/her property shall comply with all of the following:

- (1) Have been issued the Residential Chicken Zoning Permit required under this section.
- (2) Keep no more than six (6) female Chickens.
- (3) The principal use of the property must remain as a residential dwelling.
- (4) No person shall keep a rooster(s).
- (5) The Chickens shall at all times be provided a Chicken Coop and Chicken Pen in accordance with this ordinance section.
- (6) The following items generated by or kept in accordance with this ordinance section shall not be offered for sale or sold:
  - (a) Eggs, chicks, or Chickens;
  - (b) Chicken manure and compost containing Chicken manure;
  - (c) Produce which has been grown in an accessory garden fertilized with Chicken manure or compost.
- (7) A person shall not keep Chickens in any location on the property other than the rear yard. For the purpose of this ordinance, “rear yard” means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- (8) Notwithstanding the applicable residential accessory setbacks, the Chicken Coop and Chicken Pen shall be located NO closer than 50 feet to any lot line or principle residence.
- (9) The coop, enclosure, and manure compost shall be set back a minimum of 50 feet from any water sources.
- (10) All feed and other items associated with the keeping of Chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (11) Any chicken coops and enclosures unoccupied for their intended purpose after a period of 12 months shall be removed from the resident’s property.
- (12) If the above requirements or any other requirements of this Ordinance are not complied with the Code Enforcement Officer may revoke any permit granted under this section and/or initiate appropriate actions at law or equity to abate or restrain the violation.
- (13) A person who has been issued a Residential Chicken Zoning Permit shall make such permit available for examination upon demand by any Police Officer, Code Enforcement Officer, or authorized Township employee.

## H. Automatic Revocation of the Permit:

If the Applicant obtained the Residential Chicken Permit through misrepresentations, fraud, or forgery, the permit shall automatically become null and void.

#### I. Permit Revocation and Removal of Items:

- (1) Compliance with the requirements of this ordinance section shall create a presumption that the permitted keeping of Chickens does not create a public nuisance or threat to public health or safety under the nuisance provisions of this code section. The Residential Chicken Zoning Permit shall, however, be revoked if the Code Enforcement Officer, in his/her sole discretion determines that the Permittee is in violation of this ordinance section.
- (2) Violation of the provisions of this ordinance section shall result in permit revocation under this part and may result in the initiation of the enforcement proceedings set forth in the ordinance section and in the assessment of the penalties set forth in this ordinance section.
- (3) Misrepresentation by a Permittee shall result in the subject permit being revoked, voided, or denied.
- (4) If a violation of this Ordinance occurs, the Township is authorized to order immediate removal of all disposal items associated with the keeping of Chickens. Stationary structures associated with the keeping of Chickens may remain provided the structure is not creating a nuisance and is not in violation of any provision of the Township Code.
- (5) Any Permittee who has a Residential Chicken Zoning Permit revoked, removed, or voided will not be eligible for consideration for another Residential Chicken Zoning Permit.
- (6) Revocation, suspension, denial or nonrenewal of a permit shall be in writing, and delivered:
  - (a) By ordinary mail;
  - (b) In person to the address indicated on the application; or
  - (c) Presented by hand delivery to the person.
- (7) Any cost incurred to remove, place or dispose of animals by the Township shall be paid by the owner of the property where the permit was issued.

#### J. Nuisance Prohibited:

- (1) The permitted keeping of Chickens shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties.
- (2) Odor generated by the Chickens shall not be perceptible at the property boundaries, and noise generated by the Chickens shall not disturb people of reasonable sensitivity at the property boundaries. A Permittee shall not under any circumstance, keep Chickens in a manner which constitutes a public nuisance or results in a violation of the Township Code.

#### K. Appeal:

If any Applicant, Permittee or landowner adjacent to a permitted Chicken Coop or Chicken Pen is aggrieved by the determination of the Board his/her designee or the Code Enforcement Officer, such aggrieved person may appeal the determination to the Rye Township Board. The appeal shall be in writing and must be received at the Township Office no later than twenty (20) days from the date of the determination of which such person(s) are aggrieved. A timely appeal

shall stay any order to remove Chickens until the determination of the appeal, unless the order specifies that it was issued due to the keeping of Chickens causing an immediate public health or safety hazard. The written appeal must describe in detail the reason for appeal. The Board may make a determination after considering the written appeal or may notify the aggrieved person of when the matter will be considered by the Board at a public meeting. Any decision of the Board shall be final and binding.

L. Penalties:

Any violations and penalties will be handled in accordance with §360-232.

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ARTICLE XXIII

**Principal Solar Energy Systems**

**§ 360-218. Statutory Authorization.**

The Pennsylvania Municipalities Planning code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property and the conservation of energy through access to and use of renewable energy resources.

**§ 360-219. Intent.**

The intent of this Ordinance is to:

- F. Promote the general health, welfare, and safety of the community.
- G. Provide for the access and use of solar energy systems.
- H. Establish requirements for principal solar energy systems, (PSES).

**§ 360-220. Applicability.**

This Ordinance applies to principal solar energy systems (PSES) to be installed and constructed after the effective date of this section. PSESs constructed prior to the effective date of this section shall not be required to meet the requirements of this section, provided that any structural change, upgrade or modification to an existing PSES that materially alters the size or placement of the existing system shall comply with the provisions of this section.

## § 360-221. Article Specific Definitions.

**ACCESSORY SOLAR ENERGY SYSTEM (ASES)** (often referred to as "residential solar")

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one or more freestanding ground- or roof-mounted solar arrays or modules, or solar-related equipment, and is intended to primarily reduce on-site consumption of utility power or fuels.

**ENVIRONMENTALLY STABLE:** The proper placing, grading, construction, reinforcing, lining, and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement.

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

**PRINCIPAL SOLAR ENERGY SYSTEM (PSES):** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

**REMEDICATION AND DISPOSAL** – The process of shutting down or removing a principal solar energy system or accessory solar energy system and/or solar collector devices from operation or usage and restoring the property to its natural condition.

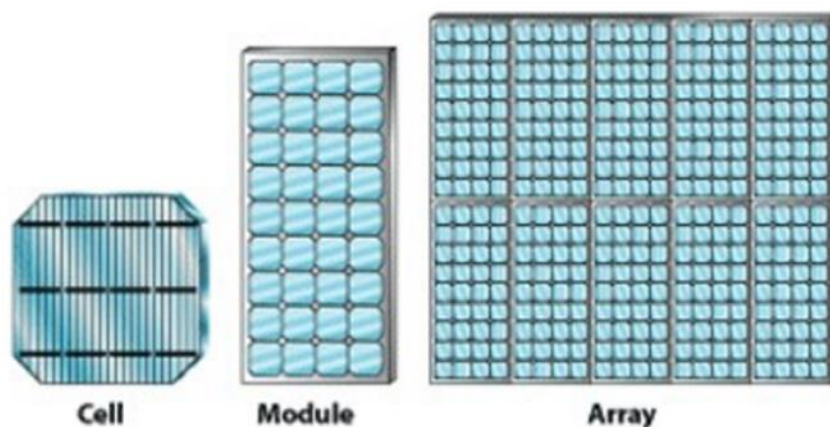
**SOLAR EASEMENT:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**SOLAR GRAZING:** The practice of grazing livestock on solar farms. Sheep are the most common solar grazing animals, as they are the best-suited species. For the safety of low-mount solar arrays, goats, cows, pigs, and horses are not recommended.

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

**SOLAR ENERGY SYSTEM:** A solar photovoltaic cell, module, or array, or solar hot air or watercollector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

1. SOLAR ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.
2. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.
3. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.
4. SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.



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

**§ 360-222. Regulations – Principal Solar Energy Systems, (PSES).**

A. Regulations Applicable to All Principal Solar Energy Systems:

1. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
2. Principal solar energy systems (PSES) are a permitted use in the Intensive Agricultural, Commercial, and Industrial/Manufacturing Limited Zoning Districts.
3. In the Intensive Agricultural Zoning District, no more than 20 percent of the entire area for development shall consist of prime, unique, or farmlands soils of statewide importance as defined by the then current version of the NRCS Custom Soil Resource Report.

4. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, designed and built to withstand wind loads associated with the ASCE latest identified design criteria, and shall comply with Township's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
5. The installing contractor shall meet the following qualifications:
  - a. Five years of experience installing similar PSES in terms of size and output.
  - b. A minimum of 3 completed PSES projects of similar size and output.
6. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
7. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Township prior to the issuance of a certificate of use and occupancy for the PSES.
8. The application should include a written narrative stating the intent of the PSES; selling power back to the grid, use for a specific business/property, etc.
9. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
10. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of providing that any glare produced does not have significant adverse impact on neighboring or adjacent areas.
11. All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from adjacent properties. Applicants shall note on the plan that the permit does not grant the right to remain free of shadows or obstructions to solar energy caused by adjacent and/or adjoining properties or growth of any vegetation on such properties, unless a recorded

Solar Window Easement has been established between adjacent property owners and recorded legal descriptions with metes, bounds, and air space slope elevations associated with retaining the solar window free from obstructions, trees, buildings, and other shadow casting structures.

12. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES, subject to approval of the Township.
13. Where removal of trees and forest cover for solar and associated land development is approved, the area of trees/forest cover shall be replaced or otherwise mitigated at a replacement ratio of (2:1) for area impacted. The area of impact shall be determined from the collective tree/forest cover canopy drop zones included in the overall development plan.
14. For Emergency purposes, the PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the complaint was filed.
15. PSES owners shall properly maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by Certified Mail to the said responsible person provided for herein.
16. A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry and furnished to the Township, the local fire company and the County Department of Emergency Services at the time the application for a permit is submitted. The same shall be reviewed and updated, if necessary, every five (5) years.

B. Ground Mounted Principal Solar Energy Systems:

1. Minimum Lot Size: The PSES shall be situated on a single parcel not less than 10 acres in size or on 2 contiguous parcels of at least 10 acres of open area combined.
2. Setbacks: PSES shall comply with the setbacks of the applicable zoning districts for principal buildings. If the PSES occupies two or more adjacent properties, setbacks



between the adjacent properties shall be waived along the shared property boundaries so that the PSES may be installed continuously and make the most efficient use of the project area.

3. Height: Ground mounted PSES shall comply with the principal building height restrictions for the applicable zoning district.
4. Impervious Coverage: PSES shall comply with the impervious coverage requirements of the applicable zoning districts. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - a. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - b. All mechanical equipment of PSES including any structure for batteries or storage cells.
  - c. Gravel of paved access roads servicing the PSES.
5. Stormwater
  - a. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.
  - b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.
  - c. Ground mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
6. Screening: Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Chapter 360, ZONING.
7. Access: Access drives are required to allow for maintenance and emergency management vehicles. The minimum cartway width shall be 16 feet with minimum turning radius of fifty feet.
8. Safety and Security:
  - a. All ground-mounted PSES battery or storage cells structures shall be completely enclosed by fencing that consists of a minimum eight (8) feet-high fence with a locking gate, or as designated by the municipality.
  - b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers, substations, battery or storage cells and on the fence

surrounding the PSES informing individuals of potential voltage or fire hazards.

- c. Where structures and mechanical equipment for battery or storage cells are proposed, verification of emergency services provided for the municipality shall be determined to be consistent with the requirements of the fire suppression system necessary to prevent, treat and extinguish battery or storage cell fires, based upon industry standards.
  - d. Battery or storage cell structures shall comply with the current International Building Code Type IIIB construction. Combustible materials shall be kept no closer than 100 feet from the battery or storage cell structures.
  - e. Battery or storage cell facilities shall be designed and constructed in accordance with the applicable ANSI standards associated with utility grade electrical power substations of equivalent size and capacity.
9. Removal: If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.
10. Solar grazing: Solar grazing with sheep is highly encouraged and a preferred method of controlling ground cover growth. If solar grazing is to be provided, the following features are to be supplied, provided or allowed:
- a. Provide a water well for sheep if public water or reliable on-lot water (stream or pond) is not available.
  - b. Seed area with grazing-friendly seed mix, such as Fuzz & Buzz seed mix or similar.
  - c. Where applicable, install fencing gates between adjoining solar parcels for moving sheep and line up gates between separately fenced sections of the arrays.
  - d. Allowance to farmer to use portable low-voltage energizers and fences. In lieu of this fencing, installation of low (three-foot) interior fences to facilitate best grazing/vegetation management.
  - e. Install pipe fences and gates around inverter/transformer pads.
  - f. Allow signs on road gates for sheep farmers to advertise their organic, value-added products.
11. Additional Agricultural Production Opportunities include the Following:
- a. Solar Apiaries for Pollinators and Honey Production
  - b. Solar Truck Patch Vegetables
  - c. Solar Bramble patches for Raspberry and Blueberry Production.

#### C. Roof Mounted Principal Solar Energy System

1. The owner shall provide evidence that the roof is capable of supporting the load of the PSES. Evidence shall include drawings prepared, signed, and sealed by a professional engineer along with calculations.
2. PSES mounted on roofs of any building shall be subject to the maximum height

regulations specified for principal and accessory buildings within the applicable zoning district.

**§ 360-223. Decommission.**

A. Documentation

1. An affidavit, or similar evidence, signed by the property owner and the PSES facility owner affirming a lease agreement with a decommissioning clause (or similar) and a successors and assigns clause. The decommissioning clause must provide sufficient funds to dismantle and remove the PSES, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads and other associated facilities from the property. The successors and assigns clause must bind those successors and assigns to the lease agreement.
2. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months and the owner has not initiated necessary remedial actions to return the PSES to a generating state. If the PSES owner fails to dismantle and/or remove the PSES within 18 months of cessation or abandonment, the Township may complete the decommissioning at the property owner's expense. The PSES owner must post a bond when the application for such a system is filed with the Township in an amount determined by the Township 's Engineer, to ensure the proper decommissioning.
3. During the operation of the facility, an updated estimate of cost for decommissioning shall be prepared by a professional engineer and be submitted every 10 years to the Township. Upon approval of the estimated costs by the Township 's Engineer, a revised surety shall be provided to the Township in the amount of 110% of the new estimate.

**§ 360-224. Administration and Enforcement.**

A. Applications

1. Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
2. The permit shall be revoked if the solar energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.
3. The solar energy system must be properly maintained and be kept free from all

hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

4. An approved land development plan shall accompany all permit applications with the following exclusions:
  - a. ASES which are accessory to a single-family residential use.
  - b. Roof mounted PSES on existing structures.

#### B. Fees and Costs

1. The Applicant shall pay a permit application fee and inspection fee to be established by the Board of Supervisors' annual fee schedule resolution.
2. The Applicant shall reimburse the Township for any actual fees or costs incurred arising out of or related to the Application (collectively the "Costs"). The Costs shall include, but not be limited to, engineering, zoning officer, building code official and legal fees.

#### C. Access

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

#### D. Modifications

The Township may grant modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the property in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

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ARTICLE XXIV  
**Administration and Enforcement**

**§ 360-225. Appointment and powers of the Zoning Officer.**

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this chapter.

**§ 360-226. Enforcement.**

It shall be the duty of the Zoning Officer to enforce the provisions of this chapter, and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Permits for construction and uses that are a special exception or a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses that are a conditional use shall be issued only upon approval of such conditional use by the Board of Supervisors.

**§ 360-227. Zoning appeals.**

The Board of Supervisors shall appoint a Zoning Hearing Board which shall be composed of five members, organized, empowered, and conducted in accordance with Article IX of The Pennsylvania Municipalities Planning Code (MPC) (P.L. 805, No. 247) existing or hereafter as amended and supplemented (the "code"). The duly established Zoning Hearing Board shall have the following functions:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the MPC. *Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2).*
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- D. Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC. *Editor's Note: See 53 P.S. § 10910.2.*
- F. Applications for special exceptions under the zoning ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC. *Editor's Note: See 53 P.S. § 10912.1.*
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- H. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC. *Editor's Note: See 53 P.S. § 10916.2.*
- I. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision land development applications.

### **§ 360-228. Permits.**

#### **A. Requirement of permits:**

- (1) A zoning permit shall be required prior to:
  - (a) Erection, addition or alteration of any building, structure, or portion thereof;
  - (b) The use or change in use of a building or land;
  - (c) The change or extension of a nonconforming use; and
  - (d) Land Disturbance
- (2) It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor. No such zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations that do not structurally change a building or structure.
- (3) No new permit for the address listed on the application shall be issued if work on previous permit(s) is not complete or the permit has not been voided or withdrawn.

#### **B. Application for permits:**

- (1) All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each

building or part of a building, the number of families or dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

- (2) No zoning permit shall be issued for any property which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation unless a Highway Occupancy Permit has been issued pursuant to Section 420 of Act 42 June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."
- C. Issuance of permits. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition, or alteration complies with all the provisions of this chapter, as well as the provisions of all other applicable ordinances. A permit issued hereunder shall become void 12 months after the issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date. All exterior construction shall be completed prior to the issuance of an extension. Beyond the first extension, the applicant must request approval from the Board of Supervisors. Such request shall be filed with the Board of Supervisors at least 30 days prior to the permit expiration date. If approved, the Zoning Officer will issue the extension. Extensions may be granted on an annual basis for a period of up to five years.
  - D. Temporary permits. A temporary permit may be authorized by the Board of Supervisors for a structure or use that it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed six months, and may be renewed once for an additional six month period.
  - E. If construction deviates from the approved permit, the applicant shall submit to the Zoning Officer a corrected copy of said Zoning Permit Application showing revised locations and proposed revisions to dimensions and conditions of all improvements. All construction work shall stop until a revised Zoning Permit Application is submitted, reviewed, and approved by the Township. The requirement for submission of a revised Zoning Permit Application is at the sole discretion of the Zoning Officer. A Certificate of Use will not be issued until a revised Zoning Permit Application is approved.

### **§ 360-229. Fees.**

- A. The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds, and other matters pertaining to this chapter. The schedule of fees shall be posted in the Township office.

- B. Such fees shall be payable to the Township and until all applicable fees, charges, and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal. All fees paid by the applicant or his authorized representative are non-refundable.
- C. The applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all improvements (including both public and private improvements) and common amenities, including, but not limited to, streets, walkways, curbs, gutters, street lights, shade trees, recreational facilities, open space improvements, landscaping, water mains, water supply facilities, fire hydrants. All driveways, as-built plans, stormwater management facilities and erosion and sediment controls as required by the Rye Township Subdivision and Land Development Ordinance [Chapter 320], and sanitary sewage disposal facilities. The financial security or surety requirements shall be established by the Board of Supervisors and shall be posted in the Township Office.

**§ 360-230. Records.**

- A. It shall be the duty of the Zoning Officer and Township Secretary to keep a record of all applications for building and zoning permits, a record of all permits issued and a record of all certificates of occupancy which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Board of Supervisors.
- B. The Zoning Officer shall prepare a monthly report for the Township Supervisors summarizing for the period since his last previous report all zoning permits issued and certificates countersigned by him and all complaints of violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the office of the Chief Assessor of Perry County at the same time it is filed with the Board of Supervisors.

**§ 360-231. Certificate of use.**

- A. A certificate of use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel or use of land complies with the provisions of this chapter.
- B. No vacant land shall be occupied or used and no structure or part of a structure, hereafter erected or substantially altered or changed in use, shall be occupied or used until a certificate of use shall have been issued by the Zoning Officer.
- C. A certificate of use for the use or occupancy of vacant land, for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the applications for a building or zoning permit and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.
- D. A certificate of use for changing or extending a nonconforming use, existing at the effective date of this chapter or of an amendment thereto, shall be applied for and issued before any



such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.

- E. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and Township, and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

### **§ 360-232. Violations and penalties.**

Failure to comply with any provision of this chapter, failure to secure a permit or Zoning Hearing Board certification when required, or failure to secure a certificate of use shall be violations of this chapter.

- A. Notice of violation. When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the owner, agent, occupant or contractor, such violation shall be discontinued immediately.
- B. Penalties. It shall be unlawful to erect, construct, reconstruct, alter, and maintain or use any building or structure, or to use any land in violation of any provisions of this chapter or amendment thereto. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement or summary proceeding conviction commenced by the Township, pay a judgment of not more than \$500 per day per violation plus all court and enforcement costs, including reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and, thereafter, each day that a violation continues shall constitute a separate violation. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense. All fines collected for violations of this chapter shall be paid to the Township.
- C. Remedies. In case any building, structure, or land is erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this chapter or amendment thereto, the Board of Supervisors or, with its approval, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, construct or abate such building, structure, or land use or to prevent in or about such premises any act, conduct, business, or use constituting a violation. Further, the Township may collect the cost thereof together with a penalty and costs as granted in

summary proceedings, from the owner of the property or premises or the actual costs of such corrective action, together with the penalties, costs and reasonable attorney's fee, shall be a municipal claim or lien therefore against such real estate and may be enforced against the property and recovered by the Township in the manner prescribed for the levying and collecting of municipal liens under appropriate law.

**§ 360-233. Appeals and applications.**

An appeal or application for an amendment or variance from the terms of this chapter shall be filed with the Zoning Officer in accordance with the procedures set forth in Articles VI and IX of the MPC and shall contain:

- A. The name and address of the applicant;
- B. The name and address of the owner of the real estate to be affected by such proposal;
- C. A brief description and location of the real estate to be affected by such proposal;
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof;
- E. A statement of the section of this chapter under which the appeal or application is filed and reasons why it should be granted; or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal; and
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and locations of improvements now erected and proposed to be erected thereon.