

TYRONE TOWNSHIP ZONING ORDINANCE
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THE ZONING ORDINANCE OF
TYRONE TOWNSHIP

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR TYRONE TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVIDING OF ARTICLE IV OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS REENACTED AND AMENDED.

BE IT ORDAINED BY THE TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF TYRONE, in the County of Adams and the Commonwealth of Pennsylvania, as follows:

ARTICLE I: GENERAL PROVISIONS

Section 100: Short Title

This Ordinance shall be known and may be cited as the "Tyrone Township Zoning Ordinance."

Section 101: Purpose

The zoning regulations and districts as herein set forth are made for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewage, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

Section 102: Community Development Goals

A. Goal: Preserve the high intensity agribusiness sector of Tyrone Township's economy by encouraging the development and continuation of high intensity agribusinesses in appropriate locations within the Township.

Objectives:

Enact a effective agricultural zoning district designed specifically for those areas of Tyrone Township where agribusiness operations have been developed.

Provide for agibusinesses in appropriate areas of the Township, with measures designed to protect both the agribusiness uses and nearby residential uses.

Limit the number of non-agricultural uses that can be developed in the agribusiness area of Tyrone Township, while at the same time requiring those non-agricultural uses that will be developed to locate in the least valuable areas for agriculture.

B. Goal: Preserve the agricultural areas in Tyrone Township devoted to fruit production and fruit processing because fruit-based agriculture contributes substantially to the Township's economic base, and the Township's aesthetic, scenic, and rural qualities.

Objectives:

Enact an effective agricultural zoning district designed specifically for those areas of Tyrone Township where fruit growing operations have been developed.

Provide for fruit growing and fruit processing operations in appropriate areas of the Township, with measures designed to protect both the fruitgrowing uses and nearby residential uses.

Limit the number of non-agricultural uses that can be developed in the fruit growing areas of Tyrone Township, while at the same time requiring those non-agricultural uses that are developed to locate in the least valuable areas for agriculture.

C. Goal: Encourage the protection and preservation of non-agricultural, rural areas of Tyrone Township, such as the Chestnut Hill area, and the sensitive and scenic environmental features associated with these rural areas.

Objectives:

Establish a zoning district which provides for rural residential opportunities while, at the same time, conserves rural landscapes in non-agricultural areas.

Establish a maximum development density which provides for a range of residential development opportunities while, at the same time, limits the need for the development or expansion of public sewer or water systems beyond those areas of Tyrone Township designated for growth.

D. Goal: Provide for the development of commercial and/or industrial uses in appropriate areas within Tyrone Township, such as the Route 15/Route 234 Interchange, which, because of their strategic locations, may be most suitable to higher intensity development.

Objectives:

Fulfill Tyrone Township's responsibility to provide for commercial and industrial uses in appropriate areas of the Township.

Encourage automobile-oriented commercial and industrial uses to locate in areas of the Township with the greatest level of access to the region's roadway network.

Encourage the development of high quality, visually pleasing, and functional commercial and industrial development by requiring creative design of commercial and industrial projects, landscaping, and reasonable signage.

E. Goal: Encourage the preservation of and allow for the reasonable expansion of Heidlberg and Gardners, two villages within Tyrone Township which have retained much of their aesthetic and historic character.

Objectives:

Establish a zoning district designed to maintain and expand the existing character of Heidlberg and Gardners Villages.

Provide for a mixture of residential, limited commercial, and institutional uses which contribute to the character and continuing function of Heidlberg and Gardners Villages.

Encourage the retention of the village street patterns in Heidlberg and Gardners Villages by providing incentives for new development to extend the village street networks.

F. Goal: Discourage the "lotting off" of rural Tyrone Township road frontages because such development patterns are inefficient to service, tend to promote the need for community sewer and water systems, and will eventually detract from the rural and scenic character commonly evident throughout much of the Township.

Objectives:

Encourage, where appropriate, cluster residential development in the agricultural and rural, non-agricultural areas of Tyrone Township.

Provide density incentives for those cluster residential projects which provide public road access on new "loop" roads rather than on existing collector or minor Township roads.

G. Goal: Discourage the development of the "suburban sprawl" form of development because it will eventually require the provision of public services and will ultimately infringe on the Township's important agricultural areas.

Objectives:

Encourage the use of higher density zoning district in those areas of Tyrone Township where some higher density development has already occurred.

Provide for a reasonable amount of development within or near the growth areas that have already developed in Tyrone Township while, at the same time, limit the areas of Tyrone Township where higher density forms of development can occur so that public sewer and water systems, when and if needed, can be economically and efficiently provided.

Encourage the use of agricultural or rural zoning districts in those areas of the Township where it is not anticipated that public sewer and/or water systems will be provided in the moderate to long term future.

H. Goal: Encourage the preservation of historic resources in Tyrone Township, including, but certainly not limited to, those resources located within the villages, those associated with the fruit industry, as well as other resources, such as the Studebaker Road area.

Objectives:

Establish low density zoning district in the agricultural and rural areas of Tyrone Township which encourage a low density of development, and which encourage the retention of the Township's historic and cultural landscapes.

Provide zoning provisions which encourage the retention and re-use of historic structures within the Township, especially in the Heidlersburg and Gardners Village settings.

Article II: DEFINITIONS

Section 200: Interpretation

As used in this chapter, words expressed in their singular include their plural meanings, and words expressed in their plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and/or a partnership, as well as an individual. The word "may" is permissive; the words "shall" and "must" are mandatory. Words used in the present include the future tense.

Section 201: Definitions

Accessory Structure - A structure detached from, subordinate to, and on the same lot with the principle structure, and used for purposes customarily incidental thereto.

Accessory Use - A use subordinate to, and on the same lot with the principle use, and provided for purposes customarily incidental thereto.

Add-On Lot - Any parcel, lot, tract, or area of land established by a plat or subdivision plan or otherwise permitted by law which through subdivision, a change in lot line or otherwise, is to become an integral part of an adjoining parcel of land and for which no separate development is proposed.

Adult Entertainment Use - An establishment having as a substantial or significant portion of its stock or trade, movies, shows, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas.

Agribusiness Operations - Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

Concentrated Animal Feeding Operation – An animal feeding operation which is required to obtain NPDES permits in accordance with the Clean Water Act.

Concentrated Animal Operation – An animal feeding operation which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

Other – Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding ten thousand (10,000) square feet.

Agriculture - The use of a tract of land for the purpose(s) of active cultivation or animal husbandry.

Alley - A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purposed of through vehicular traffic.

Animal Unit - One thousand (1000) pounds liveweight of livestock, regardless of the actual number of animals comprising the unit.

Applicant - A landowner or developer who has filed an application for development, including his heirs, successors, and assigns.

Bed-and-Breakfast - A business providing for sleeping arrangements and breakfasts in a residential environment for transient guests in return for compensation to the owner of the establishment.

Board of Supervisors - The Board of Supervisors of Tyrone Township, Adams County, Pennsylvania.

Building - A combination of materials to form a permanent structure having walls and a roof, including, but not limited to all mobile homes and trailers.

Building, Accessory - A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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

Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

Cluster Development - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

Community Sewage System - A sewerage system designed to provide for the sewage disposal needs of two (2) or more dwelling units or other uses.

Conditional Use - A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code and Article XV of this Ordinance.

County - Adams County, Pennsylvania.

Deed Restriction - A covenant, running with a parcel of land, which places specific conditions or limitations on the use of such parcel of land, and which is applied to the parcel owner, his or her successors, or assigns.

Density - The number of dwelling units per acre of land.

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

Dwelling - Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

Dwelling, Conversion Apartment - An existing dwelling unit that is or was converted to individual dwellings for more than one (1) family, without substantially altering the exterior of the building.

Dwelling, Multi-family - A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

Dwelling, Single-family Detached - A building contained one dwelling unit, and having no party wall in common within adjacent property.

Dwelling, Single-family Semi-detached - A building containing one dwelling unit, and have a party wall in common within adjacent property.

Dwelling, Townhouse - A series of three (3) or more single family dwelling units attached by one or more common walls.

Dwelling, Two-family - A building containing two (2) dwelling units, arranged either in a side-by-side fashion sharing one (1) common party wall or with one unit arranged over the other.

Dwelling Unit - An independent housekeeping unit consisting of living quarters of one or more rooms with cooking, sleeping, and sanitary facilities, arranged for use by one or more individuals.

Easement - The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Estate Lot - Designated parcels of land, at least five (5) acres in size, created by subdivision of a tract of land greater than ten (10) acres, which may be developed for single-family detached residential use, in accordance with Article VI of this Ordinance.

Flood, 100 Year - A flood of such an intensity that the frequency of its occurrence is not more than one (1) occurrence every one-hundred (100) years.

Flood Fringe - That portion of the floodplain, excluding the floodway, where development may be allowed under certain circumstances.

Floodplain - That land, including flood fringe and the floodway, subject to inundation by the 100-year Flood, as delineated on maps produced by the Federal Emergency Management Agency.

Floodway - That portion of the floodplain, including the channel, which is required to convey the 100-year Flood waters.

Fruit Processing Operation - An industrial facility where fruits, either grown locally or grown elsewhere, are brought to the facility, and are processed, packaged, or otherwise prepared for market.

Group Home - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for clients and such supervisory personnel as required by appropriate licensing agencies. Such facilities may provide supervisory and/or rehabilitative services, but medical care or nursing supervision shall not be provided.

Hearing - An administrative proceeding conducted by a board pursuant to Section 908 of the Pennsylvania Municipalities Planning Code and pursuant to Article XV of this Ordinance.

Home Occupation - Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

Hotel - A building consisting of lodging rooms designed or occupied primarily as the temporary place of abode for individuals who are lodged for compensation (with or without meals), in which provisions for cooking are generally not made in individual rooms or suites.

Junk - Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, unlicensed motor vehicles, and parts thereof.

Junkyard - An open area where junk is bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard shall be considered a junkyard.

Living Area, Apartment - That portion of an apartment dwelling proposed for customary human habitation. The apartment living area shall include all rooms and hallways, but shall not include, stairwells, crawl spaces, or other such areas.

Living Area, Estate Lot - An area within an Estate Lot, which may include an existing or proposed single-family residence or farmhouse, customary accessory structures, and a surrounding manicured yard area.

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

Lot Area - The area contained within the property lines of a lot, excluding any street or utility right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

Lot, Corner - A lot located at the intersection of two (2) or more streets.

Lot Coverage - The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

Lot Coverage, Impervious - The area of a site covered by buildings, paved surfaces, or other materials that prevents the infiltration of water into the ground.

Lot Width - The horizontal distance between the side lot lines of a lot measured at the minimum required front building setback line.

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.

Mixed-use Structure - A building occupied by more than one (1) use, including, but not limited to, specialty retail commercial, residential, and professional office uses.

Mobilehome - A transportable, single-family dwelling intended for permanent occupancy, 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.

Mobilehome Lot - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

Mobilehome Park - A parcel or contiguous parcels of land which has been designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Motel - See Hotel.

Multi-family Community - A group of multi-family dwellings developed on a single parcel of land and sharing common parking, recreation, and landscaping areas.

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

Nonconforming Sign - See Nonconforming Structure.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Open Land - That portion of a tract or "Estate Lot" set aside for the protection of sensitive natural features, farmland, recreational activities, scenic views, and/or other unique attributes.

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 common facilities.

Parcel - See lot.

Parent Tract - A parcel of land existing, as of the effective date of the application of the Tyrone Township Zoning Ordinance, which could be subjected to future subdivision or land development proposals or approvals.

Pennsylvania Municipalities Planning Code - Act 170 of 1988, as amended.

Planning Commission - The Planning Commission of the Township of Tyrone.

Planned Shopping Center - A group of retail stores and/or personal service establishments planned and designed to function as a unit, and having off-street parking and a landscaping plan as an integral part of the unit.

Public Notice - Notice published one each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Residential Cluster - A residential development designed in accordance with Cluster Development design techniques.

Right-of-Way - A strip of land acquired by reservation, dedication, forced dedication prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses to allow the right of one to pass over the property of another.

Setback Line - A line, generally parallel with and measured from the adjoining road or street right-of-way or property line, defining the limits of a yard in which no building or structure may be located.

Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, the purpose of, or to communicate information of any kind to the public.

Street - An avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Townhouse Community - A group of townhouses developed on a single parcel of land and sharing common parking, recreation, and landscaping areas.

Township - Tyrone Township, Adams County, Pennsylvania.

Township Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Tyrone Township.

Variance - Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and pursuant to the provisions of Article XV of this Ordinance.

Wireless Communications Antennae – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communication signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Commission to operate such device. This definition does not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Wireless Communications Tower – A structure, other than a building, but including monopole towers, self-supporting towers, or guyed towers, designed to be used to support Communications Antenna.

Yard - A space which is open to the sky and unoccupied by any building, structure or merchandise for display or sale, and which is located on the same lot with a building or structure.

Yard, Front - A yard, extending the full width of the lot, and situated between the road or street right-of-way line and the front building setback line.

Yard, Rear - A yard on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the required rear building line.

Yard, Side - A yard on the same lot with a main building, situated between a side line and the corresponding building line, and located between the front yard and the rear yard.

Zoning Hearing Board - The Zoning Hearing Board of the Township of Tyrone.

Zoning Officer - The municipal official duly appointed by the Board of Supervisors of Tyrone Township to administer and enforce the Zoning Ordinance of the Township of Tyrone.

Zoning Permit - A permit required by the Zoning Ordinance of the Township of Tyrone to ensure compliance with the applicable sections of the Ordinance.

ARTICLE III: ESTABLISHMENT OF DISTRICTS

Section 300: Creation of Districts

For the purpose of this Ordinance, the land contained within the boundaries of the Township of Tyrone is hereby designated into the following districts:

Agricultural Preservation I (AP-I) District
Agricultural Preservation II (AP-II) District
Rural Residential (RR) District
Village (V) District
Residential (R) District
Commercial (C) District
Industrial (I) District
Floodplain (FP) District

Section 301: Zoning Map

The boundaries of said districts shall be shown upon the map attached to and made part of the Zoning Ordinance of the Township of Tyrone, which map is dated, and designated as the "Official Zoning Map of the Township of Tyrone." The said map and all notations, references, and other data shown therein are hereby incorporated by reference into this Article as if all were fully described herein.

Section 302: District Boundaries

When uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of streets, railroad, and lot or property lines as they exist on plans of record at the time of the adoption the Zoning Ordinance of the Township of Tyrone, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where said boundary approximately follows a lot line, and where it does not scale more then ten (10) feet therefrom, such lot line shall be construed to be such boundary line unless specifically shown otherwise.
- C. The permitted use of more than one half of the area of a lot of less than one (1) acre shall determine the use for the entire lot.

Section 303: Interpretation of Boundaries

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map and determine the location of district boundaries.

ARTICLE IV: AGRICULTURAL PRESERVATION 1 (AP-1) DISTRICT

Section 400. Statement of Legislative Intent

- A. Protect and stabilize agriculture, particularly fruit growing, as an on-going economic activity within the primarily orchard area of Northern Tyrone Township by encouraging those land uses and activities which generally support the growing of fruit.
- B. Recognize and protect the land extensive nature of fruit-based agriculture by minimizing the amount of land that may be converted to non-agricultural uses.
- C. Protect the scenic and economic value of highly productive orchard and other land by discouraging development from occurring on productive farm lands, particularly that land conducive to high fruit or other crop yields.
- D. Protect the scenic value and visual beauty of the orchard and supporting agricultural landscape by requiring the sensitive placement of structures so as to not dominate the numerous striking and panoramic views found in Northern Tyrone Township.
- E. Recognize the importance of the visual beauty associated with the open space character of the Northern Tyrone Township landscape with respect to the viability of the Adams County tourism industry.
- F. Protect nearby residential properties and districts from the odors, noises, and agricultural practices typically associated with the fruit growing operations of Northern Tyrone Township.
- G. Minimize the creation of exurban development in the highly productive fruit areas of Northern Tyrone Township, thereby minimizing the cost of providing public infrastructure and services.
- H. Encourage the continuance of a minimum farm core size, thus limiting the number of parcels that may be too small to farm individually and, simultaneously, limiting the potential for valuable farm land to be consumed by the exurban land market.

Section 401. Permitted Principle Uses

A structure may be erected or used, and a lot may be used for the following permitted principle uses and no other:

- A. Farm Buildings and Agricultural Uses, including the growing of fruits and other crops and the pasturing of animals.
- B. Forestry, including tree farming.
- C. Horticulture, including nurseries and greenhouses.

D. Single-family Detached Dwellings.

Section 402. Permitted Accessory Uses

A structure may be erected or used, and a lot may be used for the following permitted accessory uses and no other:

A. Produce and Fruit Stands, specifically for the sale of "home-grown" fruits and other products provided that the area of the stand does not exceed one thousand (1000) square feet, that a suitable parking area is provided such that customers are not forced to park along the cartway or within the right-of-way of the road, and that said stand is located not more than fifty (50) feet from the cartway but not within the road right-of-way.

B. Buildings Clearly Accessory to Agricultural Structures, including storage buildings, silos, or other out-buildings.

C. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.

D. Home Occupation

1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.

2. The Home Occupation shall be performed completely within the dwelling unit.

3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.

4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.

5. Exterior storage of materials shall be prohibited.

6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.

7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.

Section 403. Conditional Uses

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. Fruit Processing Operations

1. The minimum lot width shall be two hundred fifty (250) feet.
2. To the maximum extent possible, employee parking areas and loading areas shall be designed as separate facilities to eliminate truck / car and truck / pedestrian conflicts. Parking lots and loading areas shall be paved.
3. Areas designed for outdoor storage of pallets, machinery, or other materials used in fruit processing operations shall be provided a vegetative screen consisting of at least three of the following materials: landscape mulch, grass, shrubs, and trees. Outdoor storage areas shall be screened by either a fence of at least eight (8) feet in height, or a landscaped berm of sufficient height to shield the storage area from view from adjoining properties.
4. A maximum of seventy-five percent (75%) of the site may be covered with impervious materials.
5. Wherever possible, the fruit processing operation shall be developed in a location such that the access to the facility is taken from a State Roadway. The fruit processing operation may be developed in a location such that access to the facility is provided from a Township Roadway designed to accommodate tractor-trailer traffic.

B. Churches

1. The minimum lot width shall be two-hundred (200) feet.
2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.
3. In addition to the standards of Article XIII of this Ordinance, parking areas shall not be located between the church structure and the street right-of-way, but shall instead be located to the rear or side of the church structure.

C. Agricultural Society Meeting Halls

1. The minimum lot width shall be two hundred (200) feet.
2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.

3. In addition to the standards of Article XIII of this Ordinance, parking areas shall not be located between the structure and the street right-of-way, but shall instead be located to the rear or side of the structure.

D. Bed and Breakfast Operations

1. Such an establishment shall be located in a private residence.
2. The operation shall contain ten (10) or fewer sleeping rooms used to provide overnight accommodations to the public.
3. All served meals shall be included in the lodging charge. No meals may be served to the general public.
4. Appropriate State and Township licenses shall be obtained.
5. In addition to the standards of Article XIII of this Ordinance, vegetative screening, including landscape mulch, grass, and shrubs, shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

E. Wireless Communications Towers, provided the following provisions have been met.

1. Evaluation of Siting Opportunities: An applicant for a zoning permit shall demonstrate compliance with the following requirements.
 - a. That the proposed facility is needed at the proposed location. The applicant shall provide an existing capacity analysis demonstrating a need for additional capacity at or near the proposed tower location. Should the applicant be a tower company with the intent of leasing tower space to licensed wireless communications companies, the applicant shall then demonstrate that it is aware of and is addressing the specific capacity needs of wireless communications companies licensed to operate in the area.
 - b. That owners of all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been contacted in regard to permission to install the communications antenna on those structures and that no alternative siting opportunities exist. Such contacts should include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other Communications companies, and other communications towers (fire, police, etc.).
 - c. That potential negative impacts on neighboring residential properties, as identified in a written analysis prepared by the applicant and provided to the Township, will be effectively mitigated as set forth in said analysis.
 - d. That the proposed facility will be incorporated into the applicant's long-term service plan for the area. Should the applicant be a tower company with the intent of leasing tower space to licensed wireless communications companies, the applicant

shall demonstrate that it has evaluated the long-term service plans for the various wireless communication companies licensed to operate in the area.

2. Tower Height: The maximum tower height shall be two-hundred (200) feet.
3. Siting Requirements: Where the construction of a new support structure is proposed, the following siting criteria must be met:
 - a. The minimum distance between any property line or public road right-of-way and the base of the tower, or any anchoring guy wires, shall be fifty percent (50%) of the tower height.
 - b. The minimum distance between any residential, church, or school property line and the base of the tower, or any anchoring guy wires, shall be two hundred (200) feet or fifty percent (50%) of the tower height, whichever is greater.
 - c. Where feasible, the applicant shall use natural features such as tree stands and the sides of hills to conceal towers.
4. Tower Safety: The applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of support structure failure, falling ice or other debris, or radio frequency interference. All towers shall be fitted with anti-climbing devices, as approved by the manufacturers.
5. Tower Type: Where the construction of new support structure is proposed, the applicant shall use a monopole where the proposed site meets one (1) or more of the following locational criteria:
 - a. Within one (1) mile of an area or property listed in the National Register of Historic Places.
 - b. Within one (1) mile of an area or property deemed eligible by the State Historic Preservation Officer to be eligible for listing in the National Register of Historic Places.
 - c. Within the visual corridor of US Route 15 as defined in the Adams County Comprehensive Plan.
 - d. Within five hundred (500) feet of any border of Villages (V) District boundary, as established by this Ordinance, or within five hundred (500) feet of any residential subdivision or land development containing more than twenty-five (25) contiguous dwelling units and a dwelling unit density of greater than one (1) dwelling unit per acre.

Lattice towers may be used in locations which fall outside the established location criteria of this section.

6. Landscaping: Where the construction of a new tower is proposed, an applicant shall demonstrate compliance with the following landscaping requirements:

a. The base of the tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.

b. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant.

7. Color: Where a specific color pattern is not required by the Federal Aviation Administration (FAA), tower colors shall meet the following requirements:

a. The tower shall be painted green or brown from the base of the tower to the average height of surrounding vegetation.

b. The tower shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower.

8. Parking: One (1) off-street parking space for a maintenance vehicle shall be provided.

9. Tower Removal Agreement: The applicant shall sign an agreement stating that when all reasonable uses of the tower are no longer necessary, it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor.

10. On-site Storage: A list of the contents of the equipment building or box located within, on, or at the facility, which specific attention to any potentially unsafe or toxic substances, including batteries, shall be provided to the Township.

11. Power Specifications: Information regarding the intended power supply and auxiliary power supply for the facility shall be provided to the Township.

12. Municipal Approvals: No zoning permit shall be issued until the applicant has obtained approval of its Land Development Plan along with all other necessary approval/permits from the Township and from any other State or Federal agency having jurisdiction thereof.

F. Migrant Housing

1. Quarters for migrant workers may be established on properties within the AP-1 District which are use for fruit growing operations.

2. A maximum of ten (10) individual residences may be constructed for every one hundred (100) acres of a property planted in orchards.
3. The applicant shall demonstrate compliance with all applicable State and/or Federal standards for migrant worker housing.

Section 404. General Requirements

All Permitted Principle Uses, Permitted Accessory Uses, and Conditional Uses, listed in Sections 401, 402, and 403 of this Ordinance, and erected or established after the adoption date of this Section, shall comply with the following requirements:

A. Conventional Option

1. Development Allotment - Existing properties shall be permitted the following number of lots, upon which may be erected Permitted Principle or Conditional Uses meeting the standards of this Ordinance. The number of lots allocated to a parcel shall be based on the parcel size at the effective date of this Ordinance excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

<u>Parent Tract</u>	<u>Number of Lots That May Be Subdivided From Parent Tract</u>
0 Ac. - 14.99 Ac.	1
15 Ac. - 29.99 Ac.	2
30 Ac. - 49.99 Ac.	3
50 Ac. - 99.99 Ac.	4
100 Ac. - 149.99 Ac.	5
150 Ac. - 199.99 Ac.	6
200 Ac or more	7, plus one lot for each 100 Ac. over 200 Ac.

2. Area and Bulk Requirements - Unless otherwise specified in this Section, the lot area, lot width, yard depths and widths, and building heights, shall meet the following requirements.
 - a. The minimum lot area shall be one (1) acre.
 - b. Unless otherwise permitted by this Article, the maximum lot area for a residential and non-residential uses shall be two (2) acres. Where more than two (2) acres is needed to meet the requirements of on-site sewer and water systems, the Township may waive this requirement; provided, that the minimum additional area is used to meet the requirements of such on-site systems.

- c. The minimum lot width for residential and non-residential uses shall be one hundred fifty (150) feet.
- d. The minimum front yard depth shall be twenty-five (25) feet.
- e. The minimum rear yard depth shall be twenty-five (25) feet.
- f. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards is thirty-five (35) feet.
- g. The maximum height of any non-agricultural building or structure shall be thirty-five (35) feet.

B. Cluster Option

1. Development Allotment - Existing parcels shall be permitted the following number of lots, upon which may be erected Permitted Principle Residential Uses meeting the standards of this Ordinance. The number of lots allocated to a parcel shall be based on the parcel size at the effective date of this Ordinance excluding lands already placed under a conservation easement or similar such restriction, in accordance with the following table:

<u>Parent Tract</u>	<u>Number of Lots That May Be Subdivided From Parent Tract</u>
0 Ac. - 9.99 Ac.	2
10 Ac. - 24.99 Ac.	3
25 Ac. - 49.99 Ac.	5
50 Ac. - 74.99 Ac.	6
75 Ac. - 99.99 Ac.	7
100 Ac. - 149.99 Ac.	8
150 Ac. - 199.99 Ac.	10
200 Ac or more	12, plus one lot for each 100 Ac. over 200 Ac.

2. Area, Bulk, and Design Requirements - In order to qualify for the cluster option, the developer shall demonstrate that the area, bulk, and design standards set forth in this section are met.

- a. The minimum lot area shall be twelve thousand (12,000) square feet.
- b. The maximum lot area shall be twenty-five thousand (25,000) square feet.
- c. The average lot area shall exceed sixteen thousand (16,000) square feet.
- d. No lots shall take access from existing roads within the Township. All lots shall take access from a local road developed to provide access for the residential lots.

- e. The minimum lot width at the building line shall be ninety (90) feet.
 - f. The minimum front yard depth shall be twenty-five (25) feet.
 - g. The minimum rear yard depth shall be twenty-five (25) feet.
 - h. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards shall be twenty-five (25) feet.
 - i. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
 - j. The maximum height shall be thirty-five (35) feet.
 - k. A community or public sewage collection and treatment system shall be required and approved for use by appropriate agencies. On-lot sewage treatment is specifically not permitted in cluster development projects in this District.
- C. Add-On Lots are permitted in accordance with the following requirements:

1. Add-On Lots, for the purpose of selling, conveying, or otherwise transferring ownership of farmland from one farm owner to another for use for agricultural purposes only, as permitted in this District, shall not be subject to the maximum lot area requirements of Sections 404.A.2.(b) or 404.B.2.(b). Other Add-On Lot proposals are permitted, provided that the remainder of the parent tract and the parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Sections 404.A.2 and 404.B.2.
2. When an Add-On lot is subdivided from the parent tract, the development allotment assigned to the remainder of the parent tract shall be calculated by evaluating the remainder of the parent tract against the sliding scales of Sections 404.A.1 and 404.B.1. as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Ordinance.
3. When an Add-On lot is added to an adjoining tract, the development allotment established by the sliding scales of Sections 404.A.1. and 404.b.1. shall not be increased.

Section 405. Locational Criteria

All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality orchard farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.

A. The size, shape, and dimensions of the parcel and the size and location of all existing buildings.

B. All lots previously approved in accordance with this Article.

C. Land under active cultivation, land used as pasture, and forested land or land within woodlots.

D. Soil information for the parcel, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of Adams County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Soil Conservation Service.

E. The developer shall demonstrate that the following location and design considerations have been fully addressed.

1. All uses or lots shall be established on non-orchard farmland, when such land is available, or on lands which can not feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery. Orchard farmland shall be deemed to include the following soil types:

- a. Arendtsville Gravely Loam (Map Symbol Ag)
- b. Catoctin Channery Silt Loam (Map Symbol Cc)
- c. Highfield Channery Silt Loam (Map Symbol Hc)
- d. Highfield and Catoctin Very Stony Loams (Map Symbol Hh)
- e. Montalto Silt Loam (Map Symbol Mo)
- f. Montalto Very Stony Silt Loam (Map Symbol Mu)
- g. Mount Lucas Silt Loam (Map Symbol Mt)
- h. Myersville Silt Loam (Map Symbol Mv)

2. Where a parcel is comprised entirely of orchard farmland, the least suitable farmland shall be utilized for the development.

3. Where all non-orchard farmland areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.

4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject parcel and in consideration of adjacent parcels, to avoid a scattering of development.

5. Wherever feasible, lots shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).

6. Wherever feasible, lots shall be located such that disturbance to existing orchards, hedgerows, other wooded areas, and other significant vegetation, is minimized.

7. Wherever feasible, lots shall be located such that the impacts on significant scenic areas and viewsheds are minimized. To meet this standard, the following location standards should be met, to the maximum extent feasible:

a. New structures shall not be located on the tops of ridgelines.

b. New structures shall not be located in the middle of open fields.

c. New structures may be located along hedgerows or groves of trees, thus partially or fully screening the property.

8. Residential lots shall be separated from orchards by the maximum feasible distance, thus minimizing health and safety impacts of orchard spraying near residential properties. Where residential lots are proposed within two hundred (200) feet of an orchard, a vegetative screen meeting the following standards shall be provided:

a. The vegetative screen shall consist of evergreen trees with a minimum height of four (4) feet.

b. The trees shall be planted at intervals of ten (10) feet.

c. The trees shall be of a species which, when mature, will reach a height of at least thirty (30) feet.

d. The trees shall be planted on the residential property, along each property line which faces an orchard area.

e. Where a cluster of residences are proposed, the vegetative screen may incorporate the residential cluster rather than individual properties.

F. Application for the last lot or use permitted to be subdivided from or developed on a property shall be accompanied by a proposed deed for the residual farm land or property. The proposed deed shall contain a restriction to identify that all subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional principle uses shall be permitted. Said restrictive deed shall be recorded within

thirty (30) days of subdivision approval for the last allowable lot or use. Said deed restriction shall be recorded when the applicant records the subdivision plan approved by the Township. Failure to record said deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Ordinance. The applicant shall provide the Zoning Officer a copy of the Recorder's Certificate within ten (10) working days after the deed is recorded.

ARTICLE V: AGRICULTURAL PRESERVATION 2 (AP-2) DISTRICT

Section 500. Statement of Legislative Intent

- A. Protect and stabilize general agriculture as an on-going economic activity in the Southern Tyrone Township area by encouraging those land uses and activities which are agricultural in nature or act in direct support thereof.
- B. Discourage development from occurring on productive farm lands, including those designated as "prime" or "important," and those which are conducive to high crop yields.
- C. Protect agriculture from incompatible uses which may also interfere with normal and customary agricultural practices within that zone.
- D. Minimize the amount of land consumed for non-agricultural purposes by encouraging non-agricultural development to occur on small parcels.
- E. Provide for the continuation of agribusiness operations within appropriate areas of Tyrone Township by requiring appropriate design standards for agribusiness operations and by requiring adequate setbacks between agribusiness and residential uses.
- F. Retain the expansive, open farmlands of the southern Tyrone Township countryside which strongly contribute to the rural beauty of Tyrone Township and northcentral Adams County.

Section 501. Permitted Principle Uses

A structure may be erected or used, and a lot may be used for the following permitted principle uses and no other:

- A. Farm Buildings and Agricultural Uses, including the growing of crops and the pasturing of animals.
- B. Forestry.
- C. Horticulture, including nurseries and greenhouses.
- D. Single-family Detached Dwellings.

Section 502. Permitted Accessory Uses

A structure may be erected or used, and a lot may be used for the following permitted accessory uses and no other:

- A. Produce Stands, specifically for the sale of "home-grown" products provided that the area of the stand does not exceed one thousand (1000) square feet, that a suitable parking area is

provided such that customers are not forced to park along the cartway or within the right-of-way of the road.

B. Buildings Clearly Accessory to Agricultural Structures, including storage buildings, silos, or other out-buildings.

C. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.

D. Home Occupation

1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.

2. The Home Occupation shall be performed completely within the dwelling unit.

3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.

4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.

5. Exterior storage of materials shall be prohibited.

6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.

7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.

Section 503. Conditional Uses

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. The development of new Agribusiness Operations, or the expansion of existing Agribusiness Operations, subject to the following conditions”

1. Minimum lot area shall be fifty (50) acres. The Township Supervisors, based on the testimony provided at the Conditional Use Hearing, and other relevant information, may increase the minimum lot area required. When the proposed site of such operation is comprised of more than one tract, the owner of such tracts shall combine them under a

single deed. Said deed shall be recorded in the Adams County Register and Recorders Office, and a copy of such deed showing the date and book and page number of recording shall be provided to the Township before a conditional use permit will be issued.

2. Setbacks: The following setbacks are required:

a. For new Agribusiness Operations, the structure housing the agribusiness operation shall be located no closer than two hundred (200) feet from any front property line, no closer than one hundred (100) feet from any side or rear property line, no closer than one thousand (1000) feet from any dwelling or water well not located on the tract being developed, and no closer than one thousand (1000) feet from any church or school property line.

b. Any manure storage facility shall be located in accordance with the setback requirements established by the Final Regulations of the Pennsylvania Manure Management Act of 1993.

3. Maximum lot coverage shall not exceed ten percent (10%).

4. A Nutrient Management Plan, prepared in accordance with the Pennsylvania Manure Management Act, shall be submitted to the Adams County Conservation District for review prior to the Conditional Use Hearing. Said plan and proof of its approval by the Adams County Soil Conservation District shall be presented at the Hearing.

5. A Water Supply Feasibility Report shall be prepared to demonstrate that sufficient water resources are available to serve the proposed operation. The Report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Agribusiness Operation. The Report shall be prepared by a licensed hydrogeologist.

6. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors, that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Smaller dead animals shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease and as approved by the Township Supervisors.

7. A Land Development Plan shall be submitted to, and approved by, the Township in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.

8. Areas designed for outdoor storage of pallets, machinery, or other materials shall be screened by either a fence of at least eight (8) feet in height, or a landscaping of sufficient height to shield the outdoor storage area from view from adjoining properties or public roadways.

9. The perimeter of any parking area shall be landscaped with at least three of the following materials: landscape mulch, grass, shrubs, and trees.

10. Public roads used by or serving the agribusiness operation meet Pennsylvania Department of Transportation specifications. Where public roads intended to be used by the agribusiness operation are not designed and constructed to Pennsylvania Department of Transportation specifications, such necessary improvements shall be made by the applicant.

B. Churches

1. The minimum lot width shall be two-hundred (200) feet.

2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.

3. In addition to the standards of Article XIII of this Ordinance, parking areas shall not be located between the church structure and the street right-of-way, but shall instead be located to the rear or side of the church structure.

C. Agricultural Society Meeting Halls

1. The minimum lot width shall be two hundred (200) feet.

2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.

3. In addition to the standards of Article XIII of this Ordinance, parking areas shall not be located between the structure and the street right-of-way, but shall instead be located to the rear or side of the structure.

D. Bed and Breakfast Operations

1. Such an establishment shall be located in a private residence.

2. The operation shall contain ten (10) or fewer sleeping rooms used to provide overnight accommodations to the public.

3. All served meals shall be included in the lodging charge. No meals may be served to the general public.

4. Appropriate State and Township licenses shall be obtained.

5. In addition to the standards of Article XIII of this Ordinance, vegetative screening, including landscape mulch, grass, and shrubs, shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

E. Home Occupations

1. Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
2. The Home Occupation shall be performed completely within the dwelling unit.
3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.

Section 504. General Requirements

All Permitted Principle Uses and Conditional Uses, listed in Sections 501, 502, and 503 of this Ordinance, and erected or established after the adoption date of this Section, shall comply with the following requirements, unless otherwise required by this Article:

A. Conventional Option

1. Development Allotment - Existing properties shall be permitted the following number of lots, upon which may be erected Permitted Principle or Conditional Uses meeting the standards of this Ordinance. The number of lots allocated to a property shall be based on the property size at the effective date of this Ordinance excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

Parent Tract	Number of Lots That May Be Subdivided From Parent Tract
0 Ac. - 14.99 Ac.	1
15 Ac. - 29.99 Ac.	2
30 Ac. - 49.99 Ac.	3
50 Ac. - 94.99 Ac.	4
100 Ac. - 149.99 Ac.	5
150 Ac. - 199.99 Ac.	6
200 Ac or more	7, plus one lot for each 100 Ac. over 200 Ac.

2. Area and Bulk Requirements - Unless otherwise specified in this Section, the lot area, lot width, yard depths and widths, and building heights, shall meet the following requirements.

- a. The minimum lot area for a residential use shall be forty thousand (40,000) square feet. The minimum lot area for a non-residential use shall be one (1) acre.
- b. The maximum lot area for residential and non-residential uses shall be two (2) acres. Where more than two (2) acres is needed to meet the requirements of on-site sewer and water systems, the Township may waive this requirement; provided, that the minimum additional area is used to meet the requirements of such on-site systems.
- c. The minimum lot width for residential and non-residential uses shall be one hundred fifty (150) feet.
- d. The minimum front yard depth shall be twenty-five (25) feet.
- e. The minimum rear yard depth shall be twenty-five (25) feet.
- f. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards is thirty-five (35) feet.
- g. The maximum height of any non-agricultural building or structure shall be thirty-five (35) feet.

B. Cluster Option

1. Development Allotment - Existing properties shall be permitted the following number of lots, upon which may be erected Permitted Principle Residential Uses meeting the standards of this Ordinance. The number of lots allocated to a property shall be based on the property size at the effective date of this Ordinance excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

Parent Tract	Number of Lots That May Be Subdivided From Parent Tract
0 Ac. - 9.99 Ac.	2
10 Ac. - 24.99 Ac.	3
25 Ac. - 49.99 Ac.	5
50 Ac. - 74.99 Ac.	6
75 Ac. - 99.99 Ac.	7
100 Ac. - 149.99 Ac.	8
150 Ac. - 199.99 Ac.	10
200 Ac or more	12, plus one lot for each 100 Ac. over 200 Ac.

2. Area, Bulk, and Design Requirements - In order to qualify for the clustered option, the developer shall demonstrate that the area, bulk, and design standards set forth in this section are met.

- a. The minimum lot area shall be twelve thousand (12,000) square feet.
- b. The maximum lot area shall be twenty-five thousand (25,000) square feet.
- c. The average lot area not exceed sixteen thousand (16,000) square feet.
- d. No lots shall take access from existing roads within the Township. All lots shall take access from a local road developed to provide access for the residential lots.
- e. The minimum lot width at the building line shall be ninety (90) feet.
- f. The minimum front yard depth shall be twenty-five (25) feet.
- g. The minimum rear yard depth shall be twenty-five (25) feet.
- h. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards shall be twenty-five (25) feet.
- i. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
- j. The maximum height shall be thirty-five (35) feet.
- k. A community or public sewage collection and treatment system shall be required and approved for use by appropriate agencies. On-lot sewage treatment is specifically not permitted in cluster development projects in this District.

C. Add-On Lots are permitted in accordance with the following requirements:

1. Add-On Lots, for the purpose of selling, conveying, or otherwise transferring ownership of farmland from one farm owner to another for use for agricultural purposes only, as permitted in this District, shall not be subject to the maximum lot area requirements of Sections 504.A.2.(b) or 504.B.2.(b). Other Add-On Lot proposals are permitted, provided that the remainder of the parent tract and the parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Sections 504.A.2 and 504.B.2.
2. When an Add-On lot is subdivided from the parent tract, the development allotment assigned to the remainder of the parent tract shall be calculated by evaluating the remainder of the parent tract against the sliding scales of Sections 504.A.1. and 504.B.1. as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Ordinance.
3. When an Add-On lot is added to an adjoining tract, the development allotment established by the sliding scales of Sections 504.A.1. and 504.B.1. shall not be increased.

Section 505. Locational Criteria:

All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.

- A. The size, shape, and dimensions of the property and the size and location of all existing buildings.
- B. All lots previously approved in accordance with this Section.
- C. Land under active cultivation, land used as pasture, and forested land or land within woodlots.
- D. Soil information for the property, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of Adams County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Soil Conservation Service.
- E. The size, shape, dimension, location, and use of all proposed lots. The developer shall demonstrate that the following location and design considerations have been fully addressed.
 1. All uses or lots shall be established on non-prime farmland (Soil Capability Classes III-VIII), when such land is available, or on lands which can not feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery.

2. Where a property is comprised entirely of prime farmland (Soil Capability Classes I and II), the least suitable land shall be utilized for the development.

3. Where all non-prime farmland areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.

4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.

5. Wherever feasible, lots shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).

6. Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, other wooded areas, and other significant vegetation, is minimized.

F. Application for the last lot or use permitted to be subdivided from or developed on a property shall be accompanied by a proposed deed for the residual farm land or property. The proposed deed shall contain a restriction to identify that all subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional principle uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision approval for the last allowable lot or use. Said deed restriction shall be recorded when the applicant records the subdivision plan approved by the Township. Failure to record said deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Ordinance. The applicant shall provide the Zoning Officer a copy of the Recorder's Certificate within ten (10) working days after the deed is recorded.

ARTICLE VI: RURAL RESIDENTIAL (RR) DISTRICT

Section 600: Statement of Legislative Intent

- A. Preserve open land by setting development apart from sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands.
- B. Preserve scenic views and elements of rural character by minimizing perceived density and views of development from existing roads.
- C. Provide flexibility and efficiency in the siting of infrastructure and the provision of services.
- D. Encourage compact residential clusters with direct visual and physical access to open space for recreational, contemplative, and related purposes.
- E. Reduce erosion and stream sedimentation by the retention of existing vegetation, and by the minimization of development on steep slopes.
- F. Retain the rural character and scenic qualities of areas within Tyrone Township while, at the same time, allow for reasonable and sympathetic residential development in rural areas of the Township where the incidence of active agriculture is relatively low.

Section 601: Maximum Permitted Development Densities

Within the Rural Residential (RR) District, the following maximum density standards apply:

- A. A maximum of one (1) dwelling unit per five (5) acres, or
- B. A maximum of one (1) dwelling unit per three (3) acres if the "Conditional Uses and Lot Arrangements" permitted by Section 603 are proposed.
- C. Add-On Lots are permitted in accordance with the following requirements:
 - 1. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet density, bulk, and area requirements of Sections 601, 602, or 603, as may be appropriate.
 - 2. When an Add-On lot is subdivided from the parent tract, the maximum development density assigned to the remainder of the parent tract shall be determined by calculating the permitted development density of the remainder of the parent tract as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Ordinance.
 - 3. When an Add-On lot is added to an adjoining tract, the maximum development density established by Sections 601 shall not be increased.

Section 602: Permitted Principle Uses

A structure may be erected or used, and a lot may be used for the following permitted uses and no other.

A. Single-family detached dwellings in accordance with the following lot design standards and procedures:

1. Minimum Lot area: One (1) acre.
2. Maximum Lot area: Five (5) acres. Existing or proposed farms in accordance with Section 602.B are exempt from this requirement.
3. Minimum Setbacks:

Front Yard: Twenty-five (25) feet measured from the right-of-way of the adjoining road.

Rear Yard: Twenty-five (25) feet measured from the rear property line.

Side Yard: Ten (10) feet measured from the side property line, provided that the combined setback from both side yards is at least thirty-five (35) feet.

For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

4. Minimum Lot Width: One hundred-fifty (150) feet measured at the road right-of-way line.
5. Open Land shall be provided in accordance with the requirements of Section 604 and in accordance with the following scale:

For a parent tract proposed for subdivision, of less than ten (10) acres in size, no Open Land must be provided.

For a parent tract proposed for subdivision, of between ten (10) and 24.99 acres in size, fifty percent (50%) of the property shall remain in Open Land

For a parent tract proposed for subdivision, of twenty-five (25) acres in size, seventy-five percent (75%) of the tract shall remain in Open Land.

B. The following types of agriculture are permitted by right:

1. Farms.

2. Cultivation and harvesting of crops and related products.
 3. Raising of livestock, along with pasture and grazing land. Agribusiness operations are expressly prohibited in the RR District.
 4. Orchards, nurseries, and related horticultural products.
- C. The following types of public or semi-public uses are permitted by right:
1. Nature preserves, wildlife sanctuaries, and similar uses.
 2. Park and recreation uses and easements, limited to passive recreation activities such as walking or hiking, bicycling, nature observation, and picnicking. Intensive or commercial recreation uses such as amusement parks are not permitted in the RR District.
- D. Accessory uses on the same lot and customarily incidental to the uses permitted by this Section.
- E. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.
- F. Home Occupation
1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
 2. The Home Occupation shall be performed completely within the dwelling unit.
 3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
 4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
 5. Exterior storage of materials shall be prohibited.
 6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
 7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.

Section 603: Conditional Uses and Lot Arrangements

The following uses and lotting arrangements are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. Residential Cluster: For any residential subdivision approval in accordance with the "Residential Cluster" option, the proposal must meet the following standards:

1. Minimum Lot area: 12,000 square feet.

2. Maximum Lot area: 1 Acre

3. Minimum Setbacks:

Front Yard: Twenty-five (25) feet, measured from the road or common access drive right-of-way.

Rear Yard: Twenty-five (25) feet measured from the rear property line.

Side Yard: Ten (10) feet measured from the side property line, provided that the combined setback from both side yards is at least twenty-five (25) feet.

For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

4. Minimum Lot Frontage: Ninety (90) feet, measured at the road right-of-way line.

5. The applicant shall demonstrate that seventy-five percent (75%) of the land area of the parent tract will remain in Open Land, in accordance with the Open Land Standards established in Section 604.

6. Residential Clusters shall be provided with access from new loop roads rather than from the established road network. A subdivision plan proposing a string of residential lots along an established road shall not be considered a Residential Cluster and shall not be granted Conditional Use approval by the Township Supervisors.

7. Wherever feasible, Residential Clusters shall be located in areas of the parent tract which are relatively free from sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).

8. Wherever feasible, Residential Clusters shall minimize disturbance to existing woodland, hedgerows, mature tree stands, and other significant vegetation.

9. Residential Clusters shall be located to minimize visual impacts on the rural landscape. To meet this requirement, Residential Clusters should not, at a minimum, be located on the tops or ridgelines or in the middle of open fields.

10. Residential Clusters shall be serviced by a community or public sewage collection and treatment system approved for use by appropriate agencies. On-lot sewage treatment is specifically not permitted in residential cluster projects in this District.

B. Estate Lots may be proposed in accordance with the following standards:

1. Minimum Lot area: Five (5) acres

2. A maximum of one and one-quarter (1.25) acres within an Estate Lot may be devoted to the Estate Lot Living Area.

3. Minimum Setbacks of the Living Area:

Front: Twenty-five (25) feet measured from the road right-of-way to the front boundary of the Living Area.

Rear: Twenty-five (25) feet measured from the rear property line to the rear boundary of the Living Area.

Side: Thirty-five (35) feet measured from the side property line to the side boundary of the Living Area.

4. Estate Lots shall be restricted by deed restriction, in language acceptable to the Township Solicitor, to prohibit further subdivision.

5. Wherever feasible, the Living Area of an Estate Lot shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).

6. Wherever feasible, the Living Area of an Estate Lot shall be located to minimize disturbance to existing woodlands, hedgerows, mature tree stands, and other significant vegetation.

7. The Living Areas of Estate Lots shall be located to minimize visual impacts on the rural landscape. To meet this requirement, Living Areas should not, at a minimum, be located on the tops or ridgelines or in the middle of open fields.

8. Seventy-five percent (75%) of the area of an Estate Lots shall be retained as Open Land in accordance with the standards established in Section 604. The portion of each Estate Lot, not included in the Living Area, shall be including in meeting the seventy-five percent (75%) Open Land requirement.

C. Combination of Residential Cluster and Estate Lots

1. The lot area and arrangement standards established in Section 603.1 and 603.2 shall be applied.
2. No more than twenty percent (20%) of the lots proposed in a "Combination of Residential Cluster and Estate Lots" proposal may be Estate Lots.
3. Seventy-five percent (75%) of the area of the parent tract shall be retained as Open Land in accordance with the standards established in Section 604. The portion of each Estate Lot, not included in the Living Area, may be included in achieving the seventy-five percent (75%) Open Land requirement.

Section 604: Open Land Uses and Standards

For parent tract properties proposed for subdivision in excess of ten (10) acres, where residential lots permitted by Section 602 are proposed, a portion of the property shall be set aside as Open Land in accordance with the scale established in Section 602.A.(5). For properties proposed for subdivision in excess of ten (10) acres, where residential lots permitted by Section 603 are proposed, a portion of the property shall be set aside in accordance with the lot arrangement standards of Section 603. The following standards shall apply to land set aside as Open Land:

A. Open Land may be devoted to one or more of the following uses:

1. Conservation of land in its natural state.
2. Passive recreation areas including hiking and bicycling trails, nature observation, and picnicking. Development easements for these areas may be offered to the Municipality or the County, to land trusts, or to other non-profit organizations whose purpose is to conserve and protect open spaces, scenic views, and overall rural qualities. If Open Land is offered to the Township for passive recreation purposes, the Township is not under obligation to accept any or all of the land.
3. Easements for drainage, access, sewer and / or water lines, trails for pedestrian, bicycle, or equestrian uses, and other similar easements.
4. Stormwater management facilities designed in accordance with applicable standards established by the Tyrone Township Subdivision and Land Development Ordinance, and/or any other applicable agencies.
5. Agricultural activities in accordance with Sections 602.B.2., 602.B.3., and 602.B.4., provided, however, that Agribusiness Operations are expressly prohibited within the Open Land areas required by the RR District.

6. Pastures.

7. Approved water supply and sewage disposal systems for individual residences or Residential Clusters. Said sewage disposal systems may include spray irrigation fields, on-site or off-site sand mounds, or other individual or community treatment systems, provided that appropriate approvals are obtained from State and Local agencies.

B. The following standards shall apply to the Open Land set aside, in accordance with the requirements of this Ordinance.

1. Significant site features including, but not limited to, major tree stands or wooded areas, hedgerows, water bodies, and slopes, shall be protected in compliance with the intent of this Ordinance.

2. Open Land of adjacent tracts shall share a common boundary to the maximum extent possible to provide areas of continuous Open Land throughout the RR District.

3. Natural features shall generally be maintained in their natural condition, may be modified in accordance with the recommendations of appropriately knowledgeable persons in the area being modified. Such modifications shall improve the appearance, operation, functionality, of overall condition of an Open Land area.

ARTICLE VII: VILLAGE (V) DISTRICT

Section 700: Statement of Legislative Intent

In expansion of the Community Development Objectives contained in Article I of this Ordinance, it is hereby declared to be the intent of the V District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses within the V District. Furthermore, it is the intent of this Article to:

- A. Preserve the existing village framework by requiring infill development within Gardners and Heidlersburg and new development around the perimeter of these villages to be consistent with existing development patterns in term of lot design, building placement, and building architecture and size.
- B. Maintain the existing mixture of residential, limited commercial, and institutional uses that are found in the Gardners and Heidlersburg settings.
- C. Encourage the full economic use of older historic structures within the village core by permitting not only a reasonable number of separate uses within a single structure, but permitting a mixture of uses within a single structure as well.
- D. Maintain historic streetscapes by adopting placement standards, reasonable landscaping requirements for new development, and parking, area, and bulk regulations which are sympathetic to the traditional village designs found in Gardners and Heidlersburg.
- E. Encourage the retention and preservation of the historic housing stock in the villages.

Section 701: Uses Permitted By-Right

Within the V District, the following uses are permitted by-right. This section permits, by right, only a single use on each property or within each structure. Properties or structures containing a mixture of uses are permitted provided the conditional use standards of Section 702 and Article XIV are met.

- A. Single-family Detached Dwellings.
- B. Single-family Semi-detached dwellings (Twins).
- C. Two-Family Dwellings (Duplexes).
- D. Professional Offices including offices for physicians, dentists, lawyers, accountants, real estate agents, insurance agents, artists, planners, architects, engineers, travel agencies, and similar professional offices.
- E. Retail Shops such as antique shops, florists, card shops, hobby and craft shops, gift shops, wearing apparel shops, furniture stores, bookstores (excluding adult bookstores and

other "adult entertainment" uses), camera shops, jewelry stores, and similar specialty retail stores, provide such Specialty Retail Shops do not exceed three thousand (3000) square feet in sales area.

F. Personal Service Shops including tailors, dressmakers, barbers, beauty salons, and similar professional service shops.

G. Government Offices.

H. Churches.

I. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.

J. Home Occupation

1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.

2. The Home Occupation shall be performed completely within the dwelling unit.

3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.

4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.

5. Exterior storage of materials shall be prohibited.

6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.

7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.

Section 702: Uses Permitted By Conditional Use

Within the V District, the following uses are permitted by conditional use. The Board of Supervisors may authorize a use as a Conditional Use if it conforms, at a minimum, to the stated standards and criteria. The Board of Supervisors may apply additional criteria to specific projects, where relevant, to protect the village framework and architectural integrity of Gardners and Heidlersburg Villages, and in the interests of public health, safety, and welfare.

A. Restaurants (Excluding Drive-through and Drive-in Establishments)

1. Hours of operation shall be limited to 5 am to 12 am.
2. Kitchen exhaust shall be vented through a vertical exhaust system. For restaurants located in a two (2) or three (3) story building, all kitchen exhaust shall be vented to an exhaust outlet located no lower than the second floor of the building. For restaurants located in a single story building, all kitchen exhaust shall be vented to an exhaust outlet located on the roof of the building.
3. Any trash containers, used for the disposal of restaurant waste products, shall be shielded from public view by a decorative wooden fence or evergreen shrubbery.

B. Conversion Apartments

1. Off-street parking shall be provided according to the following scale:

<u>Number of Bedrooms</u>	<u>Number of Parking Spaces</u>
1	2
2	3
3	4

2. Parking areas shall be located and designed according to the applicable standards of and Article XIII.

3. Minimum apartment size shall conform to the following scale:

<u>Number of Bedrooms</u>	<u>Usable Living Area</u>
1	500 Square Feet
2	650 Square Feet
3	850 Square Feet

4. Only existing, single-family detached dwellings may be converted for conversion apartment use.
5. A maximum of three (3) units may be created by the conversion of a single-family detached structure.
6. The property owner shall provide each dwelling unit with smoke alarms, kept in working condition by the property owner at all times. In addition, the property owner shall provide each hallway serving independent dwelling units with smoke alarms, kept in working order by the property owner at all times.
7. The property owner shall provide exit signs in all hallways leading to and from second and third floor apartments

C. Mixed-use Structures

1. Mixed-use structures shall consist of two (2) or more limited specialty retail or professional office uses or one (1) or more specialty retail or professional office uses and one (1) or more residential units.
2. Professional Office uses outlined in Section 701.D may be located on the first and second floors of a structure. The third floor of a structure may also be used for Professional Offices provided that the office space on the third floor is an extension of a Professional Office business which has its primary office space on the first or second floors.
3. Residential apartments may be located on the second and third floors provided that the minimum apartment sizes conform to the scale presented in Section 702.B.3. and that off-street parking is provided according to the scale presented in Section 702.B.1.
4. Access to and from residential units shall be independent of access to and from any Commercial or Professional Office uses located within the mixed-use structure. Independent access may be provided externally to the building or from an internal system of hallways and staircases. Under no circumstances should residents be required to gain access to a residential unit through commercial or professional office spaces.
5. The property owner shall supply all residential and commercial units with smoke alarms, kept in working condition by the property owner at all times. In addition, the property owner shall provide each hallway serving independent residential or commercial units with smoke alarms, kept in working condition by the property owner at all times.
6. The property owner shall provide exit signs in all hallways leading to and from second and third floor uses.

D. Bed-and-Breakfast Inns

1. Such an establishment shall be located in a private residence.
2. The operation shall contain ten (10) or fewer sleeping rooms used to provide overnight accommodations to the public.
3. All served meals shall be included in the lodging charge. No meals may be served to the general public.
4. Appropriate State and Township licenses shall be obtained.
5. In addition to the standards of Article XIII of this Ordinance, vegetative screening, including landscape mulch, grass, and shrubs, shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

Section 703: Area and Bulk Regulations

The following standards shall govern all uses, subdivision projects, and land development plans within the V District.

A. The minimum lot area shall be fifteen thousand (15,000) square feet. Where a new residential development requiring the construction of new streets is proposed within the V District, the minimum lot area may be reduced to seven thousand five hundred (7500) square feet if the following conditions are met.

1. The street layout shall be designed as an extension of the existing grid street and alley network.
2. Automobile access to properties shall be provided by rear alleys. Garages shall be located to the rear of residential buildings in such a fashion that the garages do not become dominant architectural features of the front facade of the residential buildings.
3. The applicant shall achieve one of the two landscaping requirements:
 - a. A street tree shall be planted on each new lot. Each street tree shall have a minimum height of eight (8) feet and a minimum caliper of three (3) inches measured two (2) feet from ground level. The street tree shall be located between the street cartway and the pedestrian sidewalk required by the Tyrone Township Subdivision and Land Development Ordinance.
 - b. Two (2) shade trees shall be planted in the front yard of each new lot. Each shade tree shall have a minimum height of eight (8) feet and a minimum caliper of three (3) inches measured two (2) feet from ground level.

B. The minimum lot width shall be one hundred (100) feet at the required build-to line. Where a new residential development requiring new street is proposed within the V District, the minimum lot width may be reduced to fifty (50) feet if the requirements set forth in Sections 703.A and 703.B are met.

C. The maximum impervious lot coverage shall not exceed sixty-five percent (65%). Impervious lot coverage includes features such as the building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.

D. Front yards shall meet the following standards.

1. The front yard build-to line shall be ten (10) feet, measured from the street right-of-way line, unless an adjoining property contains a structure that has been constructed closer to the street right-of-way. In that event, the front yard build-to line shall conform to the existing front yard build-to line of the adjoining properties.

2. The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrances with the public sidewalk and for one (1) access driveway.

3. No parking shall be permitted in front yard areas except within the permitted access driveway of a single-family detached dwelling.

E. Side yards shall meet the following standards.

1. The minimum side yard width shall be six (6) feet. When the lot is located in an area of the V District where existing structures have been constructed closer to the property line, minimum side lots requirements may be waived by the Zoning Officer.

F. Rear yards shall meet the following standards.

1. The minimum rear yard depth for a principal structure shall be fifteen (15) feet. The minimum rear yard depth for an accessory structure shall be five (5) feet.

G. The maximum height of any structure within the V District shall not exceed thirty-five (35) feet.

H. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

I. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 703.

ARTICLE VIII: RESIDENTIAL (R) DISTRICT

Section 800: Statement of Legislative Intent

In expansion of the Community Development Objectives contained in Article I of this Ordinance, it is hereby declared to be the intent of the R District to establish reasonable standards to provide a mixture of residential opportunities within the R District. Furthermore, it is the intent of this Article to:

- A. Preserve the quiet and uncongested environment that currently exists in those residential areas surrounding Heidlersburg Village devoted primarily to single family detached dwellings.
- B. Exclude incompatible commercial and industrial uses from locating in those areas of Tyrone Township which have experienced predominately residential development.
- C. Provide for higher density residential uses, such as townhouses and apartments, in appropriate areas of the Residential District and in accordance with specified development standards.
- D. Encourage development patterns that will, over the long run, result in the efficient provision of public services as well as for the preservation of open space areas that may be appropriate for recreation or conservation purposes.
- E. Limit development density to levels that are compatible with the rural nature of Tyrone Township and which are compatible with existing development patterns and densities within the Township.

Section 801: Uses Permitted By Right

Within the R District, the following uses are permitted by right.

- A. Single-family Detached Dwellings
- B. Single-family Semi-detached Dwellings (Twins)
- C. Two-family Dwellings (Duplexes)
- D. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.
- E. Home Occupation
 - 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent,

architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.

2. The Home Occupation shall be performed completely within the dwelling unit.
3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.

Section 802: Uses Permitted by Conditional Use

Within the R District, the following uses are permitted by conditional use. The Board of Supervisors may authorize a use as a Conditional Use if it conforms, at a minimum, to the stated standards and criteria. The Board of Supervisors may apply additional criteria to specific projects, where relevant, to protect the residential environment of developing neighborhoods, and in the interests of public health, safety, and welfare.

A. Townhouse Community

1. The minimum parcel size for a Townhouse Community project shall be one (1) acre.
2. The maximum permitted density shall be four (4) dwelling units to the acre, based on gross acreage.
3. The maximum number of attached dwelling units in any townhouse structure shall be six (6) dwelling units.
4. The minimum dwelling unit width shall be twenty (20) feet.
5. Off-street parking shall be provided. Two (2) spaces for every dwelling unit are required. Parking areas shall be located either to the rear of individual townhouse buildings or in common parking areas. Under no circumstances shall parking be permitted within the required setbacks along the perimeter of the property.

6. A designated open space or recreation area shall be provided for any townhouse project site in excess of twelve (12) units. The minimum open space or recreation area shall contain 300 square feet for each dwelling unit.

7. The minimum separation between townhouse buildings shall be twenty-five (25) feet. Townhouse buildings shall be arranged, to the maximum extent possible, such that the front and rear facades of adjacent buildings do not face each other.

8. A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping, and other features necessary to evaluate the proposed site design.

B. Multi-family Community

1. The minimum lot area shall be one (1) acre for each proposed apartment building.

2. The maximum permitted residential density shall be six (6) dwelling units to the acre.

3. The maximum number of dwelling units in an apartment building shall be eight (8) dwelling units.

4. Off-street parking shall be provided according to the following scale:

<u>Number of Bedrooms</u>	<u>Number of Parking Spaces</u>
1	2
2	3
3	4

In addition, one (1) visitor space shall be provided for every three (3) units.

5. The off-street parking requirement may be reduced to one (1) space per unit if the apartments are designed for elderly or handicapped residents and limited to one-bedroom units. All parking spaces shall be located in a common parking area. A maximum of two access driveways are permitted to provide access to the common parking area from public streets. Under no circumstances shall parking be permitted at the edges of the development adjacent to existing public streets.

6. The minimum separation between apartment or condominium buildings shall be fifty (50) feet.

7. A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping, and other features necessary to evaluate the proposed site design.

C. Mobile Home Parks

1. All mobile home park proposals shall meet the applicable standards contained in the Tyrone Township Subdivision and Land Development Ordinance.

D. Home Occupations

1. Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; and appliance or small machinery repair; or similar uses.
2. The Home Occupation shall be carried on completely within the dwelling unit.
3. Not more than two (2) persons, including the property owner, shall be employed in the Home Occupation.
4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited
6. The residential character of the dwelling shall not be altered to indicate the presence of the Home Occupation.

E. Group Homes

1. The provider and the structure are licensed by an appropriate County and/or State agency.
2. No more than eight (8) clients shall occupy a group home at one time.

F. Cluster Development

The following requirements shall be applied to Cluster Development proposals within the Residential (R) District:

1. Minimum Development Size - The minimum area of a parent tract on which a cluster development may be proposed shall be ten (10) acres.
2. Cluster Developments shall be provided either public or community water, and either public sewer or an alternative sewage treatment system, such as spray irrigation, artificial wetlands, etc., approved by the Pennsylvania Department of Environmental Protection, and for which a permanent maintenance agreement is legally approved between the Tyrone Township Supervisors, the developer, and any Homeowners' Association which

is created to manage such facilities and the open space areas that result from a Cluster Residential Development design.

3. Permitted dwelling unit types for Cluster Developments within the Residential (R) District include single-family detached dwellings, single-family semi-detached dwellings (twins), two-family dwellings (duplexes), and/or townhouses.
4. A minimum of fifty percent (50%) of the parcel proposed for Cluster Development shall be preserved as open space in accordance with the standards established by Section 803.
5. In return for the permanent preservation of open space within the Cluster Development, the applicant may increase the density of the proposed development in accordance with the standards established in Section 804.

Section 803: Cluster Development Standards

A. Open Space Requirements

1. The open space resource shall include floodplains, wetlands, woodlands, steep slopes, rock outcrops, and other environmentally sensitive features worthy of preservation. Such environmentally sensitive features shall be retained, to the maximum extent possible, in their natural state.
2. In addition to environmentally sensitive features, land deemed suitable for development shall be included in the required open space resource to allow for potential recreation amenities. Stormwater management facilities may be located in the required open space resource.
3. To the maximum extent feasible, open space shall be concentrated on the site and usable for active or passive recreation on the site, or shall consist of agricultural soils which could be made available, through leasehold arrangements, for agricultural purposes. Open space should be arranged such that the maximum number of residential units are provided direct visual access to permanently preserved open space.
4. Applicants are strongly encouraged to establish greenways which could logically link with similar open space area on adjoining lands. These greenways may include bikeways, pedestrian paths, and other linkages. Topographic features, such as stream beds and hedgerows, may form the “backbone” for such greenway networks.

B. Ownership and Maintenance of Required Open Space.

1. All open space areas within a Cluster Development shall be offered for dedication to the Township for no consideration. The Township shall have the option to accept all or any portion of the open space at any time within ten (10) years of the recording of the

final subdivision plan. However, the Township is under no obligation to accept any open space area within a Cluster Development.

2. The final subdivision or land development plan shall contain a note, in language acceptable to the Township Solicitor, that the open space is irrevocably offered for dedication to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated open space unless and until it has been accepted by formal action of the Township Supervisors.

3. The applicant may request the Township to accept dedication of the open space upon recording of the final plan, but a refusal by the Township to do so shall not limit the Township's rights to accept all or any portion of the open space at any time within ten (10) years after the recording of the final plan.

4. If the Township does not accept dedication of the open space upon recording of the final plan, the developer shall make arrangements for the permanent maintenance of the open space through the formation of a homeowners' association. Any such homeowners' association shall comply with the requirements for such associations contained in the Pennsylvania Uniform Condominium Act, and the developer shall present all documents relating to the creation of such association to the Township for the review and approval of the Township Solicitor.

5. If such association fails to properly maintain the open space, the Township shall have the same rights granted to municipalities under Section 705 of the Pennsylvania Municipalities Planning Code, Act 270 of 1988. The deed which transfers the open space to the homeowners' association shall contain specific reference to the Township's rights under this section.

6. If the Township accepts any or all open space, such action shall be evidenced by a recorded instrument, the terms of which shall be subject to the approval of the Township Solicitor.

7. Any deed transferring the open space to the Township or to a homeowners' association shall contain an endorsement which shall indicate that all open space is restricted for use as open space in perpetuity. The deed shall be subject to approval by the Board of Supervisors and the Township Solicitor.

Section 804: Area and Bulk Requirements

The following standards shall govern all uses, subdivision projects, and land development plans within the R District.

A. Minimum Lot Area:

1. The Minimum Lot Area for lots with on-lot sewer and/or water systems shall be one (1) acre per dwelling unit. The Minimum Lot Area for lots with public sewer and water shall be twenty thousand (20,000) square feet for single-family detached dwellings, fifteen thousand (15,000) square feet per unit for single-family semi-detached dwellings or two-family dwellings, and three thousand (3000) square feet for townhouses.

2. For Cluster Development proposed in accordance with the standards established by Section 802.F. and 803 of this Ordinance, the Minimum Lot Area shall be ten thousand (10,000) square feet for single-family detached dwellings, seven thousand five hundred (7,500) square feet per unit for single-family semi-detached dwellings or two-family dwellings, and two thousand (2,000) square feet for townhouses.

B. Minimum Lot Width

1. The Minimum Lot Width shall be one hundred (100) feet for single-family detached dwellings, seventy-five (75) feet per unit for single-family semi-detached dwellings or two-family dwellings, and twenty-five (25) feet for townhouses.

2. For Cluster Development proposed in accordance with the standards established by Section 802.F. and 803 of this Ordinance, the Minimum Lot Width shall be seventy-five (75) feet for single-family detached dwellings, fifty (50) feet per unit for single-family semi-detached dwellings or two-family dwellings, and twenty (20) feet for townhouses.

C. The maximum impervious lot coverage shall not exceed forty percent (40%). Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.

D. Front Yard

1. The minimum front yard depth shall be twenty (20) feet.

2. For Cluster Development proposed in accordance with the standards established by Sections 802.F. and 803 of this Ordinance, the minimum front yard depth shall be ten (10) feet.

E. Side Yard

1. The minimum side yard depth shall be twenty (20) feet.

2. For Cluster Developments proposed in accordance with the standards established by Sections 802.F. and 803 of this Ordinance, the minimum side yard depth shall be ten (10) feet.

F. Rear Yard

1. The minimum rear yard depth shall be twenty-five (25) feet.

2. For Cluster Development proposed in accordance with the standards established by Sections 802.F. and 803 of this Ordinance, the minimum rear yard depth shall be fifteen (15) feet.

G. The Maximum Building Height shall be thirty-five (35) feet.

H. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

I. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 804.

ARTICLE IX: HIGHWAY COMMERCIAL (HC) DISTRICT

Section 900: Statement of Legislative Intent

- A. Provide for reasonable mixture of automobile-oriented commercial uses that will contribute to attractive and reasonable development within the District.
- B. Enhance public safety by limiting the number of curb cuts permitted for each parcel, by encouraging common access driveways and parking areas serving adjoining commercial uses, and by requiring logical circulation patterns within a development.
- C. Promote appropriate building location and design standards which will help create attractive developments and accommodate future roadway improvements or projects.
- D. Allow reasonable numbers, sizes, scales, and designs of signs which will minimize the negative impacts of excessive signs while, at the same time, perform their purpose of notifying the public as to the location of a business or group of businesses.
- E. Permit uses which can reasonably be accommodated by the existing road network in the Interchange area. Discourage uses that would have the potential of requiring extensive and premature interchange area capacity improvements.
- F. Enhance the visual appearance and appeal of automobile-oriented commercial development by requiring the installation of landscaping within and surrounding large parking lots and required vegetated areas within the property.
- G. Ensure that appropriate on-site improvements are included in commercial development projects within the Highway Commercial District.

Section 901. Permitted Principle Uses

A structure may be erected used, and a lot may be used for the following permitted principle uses and no other:

- A. Retail Establishments for the sale of dry goods, variety merchandise, clothing, food and beverages, flowers, plants, newspapers, stationery, books excluding adult oriented books, prescription drugs, agricultural supplies, home and garden supplies, household furnishings and supplies, arts and craft supplies, and similar merchandise.
- B. Restaurants, excluding “fast food” or “drive-through” restaurants.
- C. Banks and Financial Institutions, excluding “drive through” services.
- D. Automobile, Motorcycle, Boat, and similar vehicle sales, service, and supplies.
- E. Hotels and Motels.

F. Professional or Business Services.

G. Contractor Supply Stores.

H. Heating, Ventilation, and Air Conditioning Sales.

I. Commercial Recreation Facilities and Health and Recreation Clubs.

J. The construction of a new, or the expansion of an existing, Single Family Detached Dwelling, provided that the following requirements are met:

1. New Single Family Detached Dwellings may only be constructed on parcels existing prior to the effective date of this Ordinance.
2. Applications for the construction of a new single family detached dwelling shall be accompanied by documentation indicating when the parcel in question was created.
3. The Area and Bulk Requirements of Section 804 governing single family detached dwellings shall be applicable.
4. The Landscaping Requirements of Section 903 and the Site Design Requirements of Section 904 shall not be applicable.
5. Neither new construction of a single family detached dwelling, nor the expansion of an existing single family detached dwelling shall extend onto a parcel created after the effective date of this Ordinance.”

K. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.

L. Home Occupation

1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
2. The Home Occupation shall be performed completely within the dwelling unit.
3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.

5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.

Section 902. Conditional Uses

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. "Fast Food" and "Drive Through" Restaurants

1. Space for a minimum of six (6) occupied vehicles is required for those patrons waiting in the drive through line for service. This distance shall be measured from the point at which food orders may be taken.
2. The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
3. The drive through facility, including intercom and menu, driveway, and service windows, shall be located along the side or rear of the restaurant. In no event will the drive through facility be permitted along the front of the restaurant, between the restaurant and the adjoining public road.
4. A site plan shall be provided to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

B. "Drive Through" Banks and Financial Institutions

1. Space for a minimum of eight (8) occupied vehicles is required for those patrons waiting in line for drive through service. This distance shall be measured from the point at which drive through patron receive banking services through bank teller windows.
2. The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

3. The drive through facility, including teller windows and intercom, and the driveway, shall be located along the side or rear of the bank or financial institution. In no event will the drive through facility be permitted along the front of the bank or financial institution, between the principle structure and the adjoining public road.

4. A site plan shall be provided to the Township Supervisors for use during the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

C. Automobile Service and Gasoline Stations, and Convenience Store with Gasoline Sales.

1. All services not normally associated with vehicular refueling, including major vehicular repair and the retail sale of merchandise, shall be performed within a completely enclosed building.

2. A site circulation plan shall be devised that separates those patrons awaiting fueling service from those patrons awaiting other services, to the maximum extent feasible. At a minimum, parking shall not be permitted between the main entrance of the establishment and the refueling bays. Where the area between the main entrance and the parking bays is paved, a "No Parking" lane shall be established.

3. A site plan shall be provided to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

D. Planned Shopping Centers

1. The Center shall contain a minimum of four (4) separate uses.

2. Parking lots shall be designed with an easily discernible circulation pattern, and shall meet the following requirements.

a. Rows of parking shall be arranged perpendicularly from the front of the Center.

b. The parking lot design and landscaping standards established by Section 903 shall be adhered to.

c. The minimum distance between the sidewalk adjacent to the main entrances of establishments and the parking area shall be thirty (30) feet. The developer shall prove, to the satisfaction of the Board of Supervisors, that sufficient spaces will exist between the sidewalk and the parking area to allow two way traffic, and a pick-up / fire lane. Parking shall not be permitted in the required pick-up / fire lane.

3. The Center shall be designed as a single architectural entity. Similar building dimensions, materials, and roof-lines shall be designed for all proposed uses within the Center.

4. In addition to the flat or wall sign permitted by Section 1206.C for each business on a lot, the Center shall be permitted one monument-style sign located near the entrance to the Center. The sign may identify the name of the Center and the individual businesses within the Center. The sign shall not exceed one hundred (100) square feet in size on each side of the sign.

5. A site plan shall be provided to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

E. Warehousing (including "Mini Storage" or "Self Serve Storage"), Wholesaling, and Truck Terminals.

1. A two hundred (200) foot setback line shall be required along any boundary line which separates the site from a zoning district that permits residential development or from an existing residential property.

2. Along such boundary line, the developer shall provide a vegetative buffer to provide visual screening. The buffer shall contain various types and sizes of species, arranged in such a manner to establish an effective visual barrier.

3. To the maximum extent possible, loading and unloading docks shall be located on the side of the building furthest removed from the closest residential structure.

4. The loading and unloading areas shall be designed such that all truck maneuvering can be accomplished on the property inside all street rights-of-way.

5. A site plan shall be submitted to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

Section 903: Landscaping Requirements

The following landscaping standards shall be applied to all proposed uses and subdivision and land development plans within the HC District.

A. Standards for Landscaping Within Off-Street Parking Areas:

Where Article XIII of this Ordinance requires the development of an off-street parking lot containing twenty-five (25) or greater parking spaces to service a use permitted in the HC District, the following landscaping requirements shall be applied.

1. A terminal island shall be provided at both ends of all rows of parking spaces. Each terminal island shall measure at least five (5) feet in width. For rows of parking one (1) parking space in width, the terminal island shall be fifteen (15) feet in length. For rows of parking spaces two (2) parking spaces in width, the terminal island shall be thirty (30) feet in length. Terminal island width shall be measured perpendicular to the driveway providing vehicular access to the parking spaces. Terminal island length shall be measured perpendicular to the terminal island width.
2. Each terminal island shall include at least one (1) tree, with the remaining area landscaped with appropriate ground cover or grass.
3. A divider strip of four (4) feet in width between abutting rows of parking shall be provided. At least one (1) tree shall be planted at twenty (20) foot intervals within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate ground cover or grass.

B. Standards for Landscaping the Perimeter of Off-Street Parking Areas

Where Article XIII of this Ordinance requires the development of an off-street parking lot to service a use permitted within the HC District, the following landscaping requirements shall be applied.

1. A landscaping strip shall be provided around the perimeter of all parking lots, except for the side of the parking lot bounded by the principle structure.
2. The minimum width of the perimeter landscaping strip along a front property line shall be ten (10) feet, measured outward from the edge of the parking lot. The minimum width of the perimeter landscaping strip along side and rear property lines shall be five (5) feet, measured outward from the edge of the parking lot.
3. At least one (1) tree shall be planted at twenty (20) foot intervals within the perimeter landscaping strip.

C. Standards for Landscaping the Borders of Properties

1. Perimeter landscaping strips shall be provided around the perimeter of the property. Landscaping strips along side boundary lines may be exempted if the bordering properties both contain commercial uses and share an access driveway.
2. The minimum width of the perimeter landscaping strip along the front property line shall be ten (10) feet, measured inward from the street right-of-way line. The minimum width of the perimeter landscaping strip along the side and rear property lines shall be five (5) feet, measured inward from the property line.
3. At least one (1) tree shall be planted at twenty (20) foot intervals within the perimeter landscaping strip.

D. Standards for Landscaping Materials

1. All required trees shall be a minimum of eight (8) feet in height and shall have a minimum caliper of two (2) inches, measured at three (3) feet above the ground line, when planted.
2. All required trees shall be street trees capable of withstanding automobile emissions and the salts used in snow melting and removal operations.
3. Within any required landscaping area, any plant which dies shall be replaced with another plant of the same or similar species within one (1) month of the death of the original plant, provided that climatic conditions allow for planting.
4. All required landscaping shall be included in the improvement bond required by the Tyrone Township Subdivision and Land Development Ordinance.

Section 904: Site Design Standards

For any development proposed within the Highway Commercial District, the following site design standards shall be applied.

- A. Buildings shall be constructed, to the maximum extent feasible, at the front yard setback line.
- B. No parking is permitted to be placed in the front yard area between the front face of the building (the side of the building parallel to the road right-of-way), and the road right-of-way. Only landscaping, permitted signage, and permitted access driveways are permitted to be located in the front yard area.
- C. Required parking shall be located to the side or rear of the principle structure on the lot. The parking lot shall be designed in accordance with the landscaping standards established in Section 903, and any other standards required by this District.

D. Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.

E. Outdoor storage may be permitted, provided the following requirements are met:

1. Outdoor storage shall be designed as an integral component of the commercial establishment. Under no circumstances may temporary outdoor storage or sales facilities be constructed as a component of a commercial establishment.
2. Outdoor storage areas shall be enclosed by opaque fencing designed to be architecturally compatible with the principle building(s).
3. Outdoor storage areas shall not be located within any required setback or landscaping area.
4. Where outdoor storage areas are used as display space for products for sale, such outdoor storage space shall be included in calculating building coverage and the required number of parking spaces.

F. No property shall have more than two (2) access drives leading to and adjoining public roadways. Where two (2) access drives are proposed for a single lot, the access drives shall be separated by a distance of no less than one hundred (100) feet.

Section 905: Area and Bulk Requirements

The following standards shall govern all uses, subdivision projects, and land development plans within the HC District.

- A. The minimum lot area shall be forty thousand (40,000) square feet.
- B. The minimum lot width shall be two hundred (200) feet, measured at the road right-of-way line. Where shared access drives are proposed to provide access to adjoining lots, the minimum lot width may be reduced to one hundred seventy-five (175) feet.
- C. The minimum front yard setback shall be thirty (30) feet.
- D. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
- E. The minimum side and rear yard setbacks shall be twenty-five (25) feet. In instances where parking facilities are shared by adjoining uses, the side yard setback requirement for one (1) side yard setback may be waived.

F. The maximum impervious lot coverage shall not exceed seventy percent (70%). Impervious lot coverage includes features such as building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.

G. The maximum building height shall not exceed thirty-five (35) feet.

H. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 905.

ARTICLE X: INDUSTRIAL (I) DISTRICT

Section 1000: Statement of Legislative Intent

- A. Accommodate and permit the reasonable expansion and continued economic viability of the important industrial areas located in Peach Glen and Gardners Villages, thus creating industrial development patterns that are efficient in design and which will focus industrial transportation needs on major roadways instead of in residential neighborhoods.
- B. Require new industrial development to be adequately buffered from nearby residential land uses to ensure the maximum compatibility between land uses.
- C. Provide performance standards for industrial uses that ensure that the off-site impacts of industrial operations on surrounding non-industrial areas are minimized.
- D. Require land coverage, building and facilities design, and buffering arrangements that are compatible with the rural characteristics of Tyrone Township, while, at the same time, allowing for an intensity of land use typical of industrial facilities.
- E. Protect the health, safety, welfare, and property values of nearby residential areas from the incompatible effects sometimes associated with contemporary industrial, manufacturing, and processing operations by requiring the sensitive placement, careful design, and appropriate setback of these types of facilities within the rural environment.

Section 1001: Permitted Principle Uses

A structure may be erected or used, and a lot may be used for the following permitted principle uses and no other:

- A. Light Manufacturing Uses defined as the processing and/or assembly of the following and similar types of products.
 - 1. Food and kindred products, excluding those which process meat, fish, or poultry products.
 - 2. Textiles and apparel.
 - 3. Lumber and wood products, excluding sawmills.
 - 4. Household and office furniture, fixtures, and supplies.
 - 5. Printing, publishing, and bookbinding.
 - 6. Audio-visual components, computers, and office equipment.
 - 7. Electronic communications equipment.

8. Paper products excluding paper mills.
 9. Pharmaceuticals.
 10. Scientific, technical, and medical instruments.
- B. Corporate Headquarters.
 - C. Scientific and Commercial Testing Laboratories.
 - D. Contractor Supply Stores.
 - E. Mini-warehouse or Self-storage Operations.
 - F. Home Related Fuels Sales.
 - G. Plumbing, Heating, Ventilation, Air Conditioning, Electric, and Structural Building Components Sales and Storage.
 - H. The construction of a new, or the expansion of an existing, Single Family Detached Dwelling, provided that the following requirements are met:
 1. New Single Family Detached Dwellings may only be constructed on parcels existing prior to the effective date of this Ordinance.
 2. Applications for the construction of a new single family detached dwelling shall be accompanied by documentation indicating when the parcel in question was created.
 3. The Area and Bulk Requirements of Section 804 governing single family detached dwellings shall be applicable.
 4. Neither new construction of a single family detached dwelling, nor the expansion of an existing single family detached dwelling shall extend onto a parcel created after the effective date of this Ordinance.
 - I. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Ordinance.
 - J. Home Occupation
 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.

2. The Home Occupation shall be performed completely within the dwelling unit.
3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
7. A single sign, conforming with the provisions of Section 1203 of this Ordinance, is permitted.”

Section 1002: Conditional Uses

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. Industrial Uses, including the processing and/or production of petroleum and/or coal products, rubber and/or plastic products, glass, primary metals, industrial machinery and/or equipment, motorized vehicles, food processing of meat, fish, and poultry products, sawmills, and other similar products.

1. A two hundred (200) foot setback line shall be required along any boundary line which separates the site from a residential use or zoning districts which permits residential uses.
2. Along such boundary line, the developer shall provide a vegetative buffer to provide visual screening. The buffer shall contain various types and sizes of species, arranged in such a manner to establish an effective visual barrier.
3. The outdoor storage of raw or finished materials is permitted provided the storage area is enclosed by a protective fence. The fence shall provide visual screening of the storage area and shall be at least eight (8) feet in height.
4. The developer shall submit, to the Board of Supervisors, information detailing the disposal of organic material and/or waste. The disposal process shall conform to all applicable State and Federal regulations.

B. Adult Entertainment Use:

1. No more than one (1) adult entertainment use shall be permitted in any one building.
2. No adult entertainment use shall be located within five hundred (500) feet of any building within which is located another adult entertainment use.
3. No adult entertainment use shall be located within five hundred (500) feet of V, R, or AP-1, AP-2, or RR District.
4. No adult entertainment use shall be located within one thousand (1000) feet of any lot upon which is located a school, church, child care facility, public park, or playground.
5. The landscaping standards of Section 903 shall be met.
6. The building occupied as an adult entertainment use shall have an opaque covering over all windows and/or glass doors to prevent items and/or services from being visible from outside the building.
7. No sign shall be erected on the premises depicting or giving a visual representation of the types of items and/or services offered within the establishment.

C. Junkyards

1. No junkyard shall be located within two hundred (200) feet of V, R, or AP-1, AP-2, or RR District.
2. The junkyard shall be enclosed by a protective fence. The fence shall provide complete visual screening of the junkyard and shall be at least eight (8) feet in height.
3. Landscaping shall be installed around the outside perimeter of the fence required by Section 1002.C.2. At a minimum, one (1) evergreen tree shall be planted at twenty (20) foot intervals along the fence. All required trees shall be maintained and have a minimum of five (5) feet in height and shall have a minimum caliper of one-and-one-half (1.5) inches, measured at three (3) feet above the ground line, immediately upon planting.
4. The applicant shall demonstrate compliance with all other applicable township, state, and/or federal ordinances or requirements.

Section 1003: Area and Bulk Regulations

The following standards shall govern all industrial uses, subdivision projects, and land development plans within the I District.

- A. The minimum lot area shall be one (1) acre.
- B. The maximum building coverage shall not exceed fifty percent (50%).

C. The maximum impervious lot coverage shall not exceed seventy percent (70%). Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.

D. The minimum building setback shall be fifty (50) feet.

E. The minimum side and rear setbacks for an industrial property that adjoins other industrial uses or industrially zoned properties shall be forty (40) feet.

F. Unless otherwise required in the I District, the minimum side and rear setbacks for a non-residential property that borders a zoning district that permits residential development, or that borders an existing residential property, shall be one hundred (100) feet.

G. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

H. The maximum building height shall be thirty-five (35) feet.

I. A landscaped area shall be provided along any property line that borders a zoning district that permits residential uses, regardless of whether or not the property is developed, or that borders an existing residential property. The required landscaped area shall meet the following requirements.

1. The landscaped area shall be a minimum of fifteen (15) feet wide, measured inward from the property line.
2. For the length of the landscaped area, a tree shall be planted at no less than twenty (20) foot intervals.
3. Required evergreen tree plantings shall be maintained and have a minimum height of eight (8) feet and a minimum caliper of two (2) inches, measured at three (3) feet from ground level.

J. Landscaping shall also be provided on any portion of the property not used for buildings, structures, parking, loading areas, or storage areas. Landscaping shall include at least two (2) of the following: trees, shrubs, grass, mulch, or other similar landscaping material not including sand, gravel, or pavement.

K. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 1003.

ARTICLE XI: FLOODPLAIN (FP) DISTRICT

The FP District is provided to conform with the requirements of the federal flood insurance program and the Pennsylvania Flood Plain Management Act, and to restrict development in

flood prone areas to those uses that will not be damaged by periodic inundation or that will not increase flood heights by reducing the floodway cross-sectional area.

Section 1100: Floodplain District Requirements

Section 1101 and 1102 set forth the use standards, requirements, and restrictions for the Floodplain District. Additional requirements pertaining to the FP District are contained in the Tyrone Township Floodplain Management Ordinance.

Section 1101: FP District Permitted Uses

Any use permitted within the underlying district is permitted in the FP district provided the following conditions are met.

- A. The use is not a use designated as a special hazard in the regulations promulgated under the Pennsylvania Flood Plain Management Act.
- B. The use will not reduce the cross-sectional area of the floodway.
- C. The use is floodproofed or elevated in a manner such that the use and structure will not be damaged by flood waters.
- D. All structures and equipment are anchored to prevent flotation.
- E. The site will be developed such that installations which have the potential of polluting the stream, i.e., on-lot sewage systems and fuel storage installations, are located in the floodway fringe at an elevation above the 100 year flood elevation.

Section 1102: FP District Conditionally Permitted Uses

Special hazard uses as listed in the regulations promulgated under the Pennsylvania Flood Plain Management Act are conditionally permitted provided they meet all applicable provisions of this ordinance, are permitted or conditionally permitted in the underlying district, and a Special Use Permit is issued by the Department of Community Affairs or its successor agency.

ARTICLE XII: SIGN REGULATIONS

Section 1200: Statement of Legislative Intent

In expansion of the Community Development Objectives in Article I of this Ordinance, it is hereby declared to be the intent of this Article to place reasonable standards on the erection and maintenance of signs within the Township of Tyrone. Furthermore, it is the intent of this Article to:

- A. Maintain and enhance the aesthetic qualities of Tyrone Township by requiring signs to be designed of sizes, shapes, and styles complimentary to the rural character of the Township.
- B. Allow signs in all zoning districts that balance the needs of individual landowners with the desire of the community to perpetuate an attractive, livable environment.
- C. Maintain adequate traffic safety standards by minimizing the negative sensory impacts of excessive signage as well as minimizing signage conflicts with necessary traffic control signs and equipment.
- D. Encourage signage that will meet the needs of occupants of moving vehicles traveling on the Township's roadway network.

Section 1201: General Regulations

The following regulations shall govern signs in all districts.

- A. No sign shall be erected, enlarged, or relocated until a permit for doing so has been issued by the Zoning Officer. Applications shall be on forms provided by the Township. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, and all other relevant information.
- B. The following types of signs are exempted from the requirements of Section 1201.A., provided the sign meets all other applicable sections of this Article.
 - 1. Official street and traffic signs and any other signs required by law.
 - 2. Trespassing signs, signs indicating private ownership of roads and/or property, and similar signs, provided that such signs are spaced at intervals of no less than one hundred (100) feet and do not exceed two (2) square feet in area.
 - 3. Temporary, unlighted real estate signs advertising the sale or rental of the premises upon which they are erected, provided that the maximum area on any side of the sign shall not exceed six (6) square feet, that the total area of the sign shall not exceed twelve (12) square feet, that not more than two (2) signs are placed on a property under single ownership, and that such signs are removed not more than five (5) business days following the sale or rental of the premises.

4. Temporary, unlighted signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided that the maximum area of any one side of the sign shall not exceed eight (8) square feet, that the total area of the sign shall not exceed sixteen (16) square feet, that not more than one (1) such sign shall be erected on any property under single ownership, and that the sign shall be removed within one (1) day of the completion of the work.

5. Temporary, unlighted yard or garage sale signs, provided that such signs shall not be displayed for more than forty-eight (48) hours of each calendar month, that the total area of such signs shall not exceed four (4) square feet, and that not more than two (2) signs shall be displayed for any sale event.

6. Temporary, unlighted political signs, provided that such signs shall exceed six (6) square feet in area, that such signs shall not be displayed earlier than thirty (30) days prior to an election, and that such signs shall be removed within ten (10) days after the said election.

7. Temporary, unlighted, manually changeable copy, advertising signs, provided that such signs are displayed no more than two (2) times during a single calendar year, provided that the duration of each display does not exceed thirty (30) days, and provided that such signs are strongly anchored to prevent movement of the signs by wind, water, or other forces of nature.

8. Freestanding signs designating the "entrances" and "exits" to commercial and industrial establishments, provided that the signs be illuminated only by indirect lighting and that each side of the sign shall not exceed four (4) square feet unless otherwise regulated by this Ordinance.

C. Any sign advertising or identifying a business or organization which is either defunct, no longer located on the premises, or located on a property separate from the property on which the sign is located, is not permitted.

D. No sign shall use the words "stop," "caution," or "danger" or shall use red, yellow, and/or green lights resembling traffic signals, or shall resemble traffic control signs in terms of size, shape, or color.

E. No sign shall be located so as to interfere with the Clear Sight Distance regulations of the Tyrone Township Subdivision and Land Development Ordinance.

F. No sign shall be permitted that produces direct or reflected glare visible from any residential property or from any street or roadway.

G. Signs may be illuminated, unless otherwise prohibited herein, only to the extent that is necessary to be seen and read at night at a distance not to exceed two hundred-fifty (250) feet

for signs of ten (10) square feet or more in area, and at a distance not to exceed one hundred-twenty-five (125) feet for signs of less than ten (10) square feet in area.

Section 1202: Prohibited Signs

The following types of signs and/or sign design features are prohibited in all districts.

- A. Flashing signs and/or flashing and/or rotating lights.
- B. Revolving, rotating, or otherwise moving signs.
- C. Animated signs.

Section 1203: Signs Permitted Within Agricultural and Residential Districts

Within the Residential (R), the Rural Residential (RR), Agricultural Preservation 1 (AP-1), and Agricultural Preservation 2 (AP-2) Districts, the following sign regulations shall apply.

- A. Signs advertising a home occupation are permitted, provided that the following requirements are met.
 - 1. The maximum area of any one side of the sign shall not exceed twelve (12) square feet.
 - 2. The total area of the sign shall not exceed twenty-four (24) square feet.
 - 3. The sign shall only be illuminated by indirect lighting. In no case shall indirect lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties or traffic on adjoining roads.
 - 4. The maximum height of the sign shall not exceed six (6) feet, unless a wall sign or projecting sign is used.
- B. Signs identifying the name and entrances of a residential development are permitted, provided that the following requirements are met.
 - 1. One free-standing sign may be located at the main entrance to the residential development. Such a sign shall not exceed twenty-five (25) square feet in total area or six (6) feet in height.
 - 2. One free-standing sign may be located at each secondary entrance to the residential development. Such a sign shall not exceed six (6) square feet in area or five (5) feet in height.

3. All signs associated with a residential development shall be located in a landscaped setting. Acceptable landscaping materials include grass, mulch, shrubs, and trees. A landscaping sketch shall accompany the sign permit application.
4. Signs may only be illuminated by indirect lighting. In no case shall indirect lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties or traffic on adjoining roads
5. Off-premises signs, or billboards, are explicitly not permitted.

Section 1204: Signs Permitted Within the Village (V) District.

Within the Village (V) District, the following sign regulations shall apply.

A. A maximum on one (1) sign shall be permitted for every single non-residential use of a structure, provided that the following requirements are met.

1. The maximum area of any one side of a sign shall not exceed six (6) square feet.
2. The total area of the sign shall not exceed twelve (12) square feet.
3. Where wall or projecting sign types are used, the maximum area of the sign may be increased to a maximum area of eight (8) square feet for any one side of the sign and to a maximum total area of sixteen (16) square feet.
4. Projecting signs above sidewalks or walkways shall be located so as to provide for eight (8) feet of clearance beneath the sign. Such projecting signs shall not exceed eleven (11) feet in height.
5. All signs shall be visually compatible, in terms of color, with the front facade of the structure to which the sign is attached. Dark backgrounds with light-colored lettering and/or designs are preferred.
6. Signs shall only be illuminated by indirect lighting. In no case shall indirect lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties or traffic on adjoining roads.

B. Where the structure is located at the intersection of two (2) public streets, the Zoning Officer may authorize the use of one (1) sign along each public street, provided that all signs meet the regulations of Section 1204.A.

C. Off-premises signs, also known as billboards, are explicitly excluded.

Section 1205: Signs Permitted Within the Industrial (I) District

Within the Industrial (I) District, the following sign regulations shall apply.

A. A maximum of one (1) sign shall be permitted that displays the owner/occupant of the premises and the activity conducted thereon, provided that the following requirements are met.

1. The maximum area of any one side of a sign shall not exceed one hundred (100) square feet.
2. The total area of the sign shall not exceed two hundred (200) square feet.

B. A maximum of one (1) sign may be erected at each entrance and/or exit to or from a public road that identifies the property's activity and the entrance and/or exit, provided that the following requirements are met.

1. The maximum area of the side of such shall not exceed ten (10) square feet.
2. The total area of the sign shall not exceed twenty (20) square feet.
3. The maximum height of the sign shall not exceed six (6) feet.

C. On parcels containing multiple activities, a single sign shall be permitted for each individual activity, provided that the following requirements are met.

1. The maximum area of any one side of the sign shall not exceed seventy-five (75) square feet.
2. The total area of the sign shall not exceed one hundred fifty (150) square feet.

D. The maximum height of any freestanding sign within the Industrial (I) District shall not exceed fifteen (15) feet. The maximum height of any wall or projecting sign shall not exceed a height equal to seventy-five percent (75%) of the height of the wall upon which the sign is located. The maximum height of any entrance or exit sign shall not exceed six (6) feet.

E. Off-premises signs, or billboards are permitted, provided the following requirements are met:

1. The maximum area of any one (1) side of the sign shall not exceed one-hundred fifty (150) square feet.
2. The total area of the sign shall not exceed three hundred (300) square feet.
3. The maximum height of the sign shall not exceed twenty (20) feet.

4. Only one (1) sign is permitted on a single property.
5. Off-premises or billboard signs shall be located no closer than five hundred (500) feet from other off-premises or billboard signs located within the Township.
6. Off-premises or billboard signs shall be located no closer than five hundred (500) feet from other off-premises or billboard signs. The distance between said signs shall be measured linearly, along the shortest route.

Section 1206: Signs Permitted Within the Highway Commercial (HC) District.

Within the Highway Commercial (HC) District, the following sign regulations shall apply.

A. A single sign shall be permitted on the same lot as a single business to which the sign refers, provided that the following requirements are met.

1. The maximum area of any one (1) side of a sign shall not exceed twenty (20) square feet.
1. The total area of the sign shall not exceed forty (40) square feet.
2. The maximum height of any freestanding sign shall not exceed fifteen (15) feet.
3. The total area of the sign for a commercial property may be increased by twenty percent (20%) if the applicant chooses to use a wall sign.
4. Any freestanding sign proposed for a commercial use in operation prior to the enactment of the Tyrone Township Zoning Ordinance shall be located in a landscaped setting. Acceptable landscaping materials include grass, mulch, shrubs, and trees. A landscaping sketch shall accompany the sign permit application.
5. Any freestanding sign proposed for a commercial use, developed in accordance with Article IX of this Ordinance, shall be incorporated into the landscaping required for the site.

B. Where a single business has frontage on two public streets, two (2) signs, meeting the requirements of Section 1206.A., shall be permitted.

C. Signs within a Shopping Center shall meet the following requirements.

1. A single, freestanding sign may be erected to identify the name and entrance to the shopping center, provided that the following requirements are met.

- a. The maximum area of any one side of the sign shall not exceed seventy-five (75) square feet.
 - b. The total area of the sign shall not exceed one hundred-fifty (150) square feet.
 - c. The sign shall be located no less than twenty (20) feet from the adjoining road right-of-way.
 - d. The maximum height of the sign shall not exceed fifteen (15) feet.
 - d. The sign shall be incorporated into the landscaping required for the site.
2. A single wall sign is permitted for each individual establishment located within the shopping center, provided that the following requirements are met.
- a. The total area of each wall sign shall not exceed thirty-five (35) square feet.
 - b. Each wall sign shall be designed to be visually compatible, in terms of color and materials, with buildings of the plaza.
- D. Where signs in the HC District use indirect lighting, the light source shall be shielded to prevent glare visible from adjoining residential properties and from streets or roadways.

ARTICLE XIII: PARKING AND LOADING REGULATIONS

Section 1300: Statement of Legislative Intent

Off-street parking and loading facilities shall be provided to lessen congestion, to enhance safety, and to decrease the parking burden on and within public right-of-ways. The facilities required herein shall be available for the residents, occupants, patrons, or employees of the particular business or use for which such facilities are provided.

Section 1301: Required Facilities

Unless otherwise regulated in this Article or elsewhere in this Ordinance, the following parking facilities are required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter developed for commercial, residential, or similar purposes, shall be provided with not less than the minimum off-street parking spaces, as set forth below. All spaces shall be readily accessible to the uses served thereby.

A. Single-family Detached, Single-family Attached, Single-family Semi-detached, and Two-family Dwellings.

Two (2) parking spaces for each dwelling unit.

B. Bed-and-Breakfasts, Hotels, and Motels.

One (1) parking space for every guest room, one (1) parking space for every employee on the busiest shift, and the required number of spaces to serve a restaurant, if one exist on the premises.

C. Churches, Agricultural Society Meeting Halls, and Similar Community Buildings and Uses

One (1) parking space for every three (3) patron seats.

D. Professional Offices

One (1) parking space for every employee and two (2) additional parking spaces for each professional.

E. Personal Service Shops

One (1) parking space for every employee and two (2) parking spaces for every work station.

F. Government Offices

One (1) parking space for every employee.

G. Home Occupations

The required number of parking spaces for the residential unit shall be supplied in addition to one (1) parking space for every three hundred (300) square feet of area in the residential unit devoted to the Home Occupation.

H. Retail Shops

One (1) parking space for every two hundred (200) square feet of gross floor area and one (1) space for every two (2) employees.

I. Banks

One (1) parking space for every one hundred seventy-five (175) square feet of gross floor area and two (2) parking spaces for every drive through lane.

J. Vehicle Sales Businesses

One (1) parking space for every five hundred (500) square feet of vehicle display area.

K. Nurseries, Garden Materials Stores, Contractor Supply Stores, and Heating, Ventilation, and Air Conditioning Stores.

One (1) parking space for every three hundred (300) square feet of gross floor area.

L. Convenience Stores and Gasoline Service Stations

One (1) parking space for every one hundred fifty (150) square feet of gross floor area.

M. Commercial Recreation Facilities and Health and Recreation Clubs

One (1) parking space for every two hundred (200) square feet of gross floor area.

N. Car Washes

One (1) parking space for every car washing stall.

O. Liquor Stores

One (1) parking space for every two hundred (200) square feet of gross floor area.

P. Manufacturing and Industrial Establishments, including Agribusiness Operations

One (1) parking space for every one and one-half (1.5) employees working during the largest shift.

Q. Corporate Headquarters and Scientific and Commercial Testing Laboratories

One (1) parking space for every one and one-half (1.5) employees working during the largest shift, and one (1) visitor parking space for every ten (10) employees.

R. Mini-warehouse and Self-storage Operations

One (1) parking space for every four (4) storage lockers

S. Warehousing and Wholesaling Operations

One (1) parking space for every one and one-half (1.5) employees working during the largest shift.

T. Adult Entertainment Uses

One (1) parking space for every one hundred fifty (150) square feet of gross floor area.

U. Mixed-use Structures

The number of parking spaces required shall be equal to the total number of spaces required by each individual use within the mixed-use structure.

V. Restaurants, Taverns, and similar establishments.

One parking space for every two (2) customer seats, plus one (1) additional parking space for every employee on the largest shift.

W. Drive-through Businesses, including Restaurants and Branch Banks.

One parking space for every one-and-one-half (1 V_i) seats for a drive-through restaurant. One parking space for every two hundred (200) square feet of floor area for a drive-through bank. In addition, one (1) parking space shall be provided for every two (2) employees on the largest shift.

X. Planned Shopping Centers.

One parking space for every four hundred (400) square feet of gross leasable floor area within the Shopping Center.

Section 1302: Public Right-of-Way Excluded

In no case shall parking within public rights-of-way be used to fulfill the required parking needed by any applicant for any use.

Section 1303: Design Standards

All off-street parking areas shall be designed to meet the following standards.

- A. Where three (3) or more parking spaces are required under Section 1301 or elsewhere in this Ordinance, such parking spaces shall be considered a parking lot.
- B. All off-street parking lots shall be paved so as to provide a durable and dust-free surface. Acceptable paving materials include concrete and asphalt. All entrance and exit drives shall be paved in accordance with PennDOT 408 specifications.
- C. All off-street parking lots shall be graded to provide for the adequate drainage of storm water from the parking lot. The Township engineer shall be afforded the opportunity to review and comment on the grading plan for any parking lot.
- D. Circulation control shall be designed to provide one-way directional travel whenever possible. No parking shall be provided or permitted along any circulation drive or along an entrance or exit drives. Drives shall be uniform in width and provide for ninety (90) degree intersections, whenever possible.
- E. Customers and service traffic shall be separated whenever possible. Loading and unloading areas shall be located so as not to interfere with customer or employee parking areas.
- F. Where Section 903 of this Ordinance regulates the landscaping of off-street parking areas, the requirements of Section 903 shall apply. Where the requirements of Section 903 are not applicable, the following landscaping regulations shall apply.
 - 1. A landscaping strip of no less than five (5) feet in width shall be provided along the edge of each parking area.
 - 2. Within each landscaping strip shall be planted a mixture of two (2) or more of the following types of vegetation: grass, shrubs, flowering plants, or trees. At least one (1) shrub, flowering plant, or tree shall be planted at intervals no less than twenty (20) feet.
 - 3. Suitable breaks in the landscaping strip shall be permitted for access drives to or from a public street.
- G. All parking lots shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking lot.

H. Each parking space shall not be less than ten (10) feet wide by twenty (20) feet long.

I. All spaces shall be delineated with a durable delineation material and shall be maintained so that all parking spaces are clearly marked.

Section 1304: Off-Street Loading Requirements.

A. Off-street loading and unloading space(s), with proper and safe access from street or alley, shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the uses within the district. Each loading and unloading space:

1. Shall be at least fourteen (14) feet wide, eighty (80) feet long, and shall have at least fifteen (15) feet if vertical clearance.
2. Shall have at least an eighty (80) foot maneuvering area.
3. Shall have a paved surface to provide safe and convenient access during all seasons.
4. Shall not be constructed between the street right-of-way and building set back line.

B. Required off-street parking spaces, (including access drive and aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.

C. Loading and unloading facilities shall be designed so that trucks need not back into or out of, or park in, any public right-of-way.

D. No truck shall be allowed to stand in a right-of-way, an automobile parking area (including access drives and aisles), or in any way block the effective flow of persons or vehicles either on or into and out of the property.

E. At least one (1) off-street loading space shall be provided for all commercial and industrial operations in excess of three thousand five hundred (3500) square feet of floor area. The number of loading and unloading spaces shall be left to the discretion of the developer; however, the standards of this section shall be maintained.

ARTICLE XIV: NONCONFORMING USES

Section 1400: General

All lawful uses of land or of a building or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, 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, providing such non-conforming uses shall comply with the provision of this Article.

Section 1401: Alterations and Reconstruction

A. Repairs and structural alterations, not constituting an extension, expansion, or enlargement, may be made to a non-conforming building or to a building occupied by a non-conforming use.

B. A non-conforming building which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purposes, provided that:

1. The reconstruction of the building is commenced within one (1) year from the date of the destruction of the building and is carried to completion within two (2) years, unless an extension is granted as a Conditional Use by the Township Supervisors.
2. The reconstructed building does not exceed in height, area, and volume that of the building destroyed.

Section 1402: Extensions, Expansions, and Enlargement

A. The Board of Supervisors may authorize, as a conditional use, the following types of extension, expansions, and enlargements for non-conforming uses and buildings existing on the effective date of this Ordinance.

1. The extension of a non-conforming use of land upon a lot occupied by such use;
2. The extension, expansion, or enlargement of a conforming building occupied by a non-conforming use.
3. The extension, expansion, or enlargement of a non-conforming building occupied by a non-conforming use.
4. The extension, expansion, or enlargement of such non-conforming building occupied by a conforming use.

B. The foregoing extension, expansions, and enlargements of such non-conforming buildings or uses shall be subject to the following conditions.

1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which the use would be permitted as a matter of right.
2. The entire building or use shall be provided with off-street parking and loading spaces as required by Article XIII.
3. The extension, expansion, or enlargement does not replace a conforming use.
4. The extension, expansion, or enlargement of the non-conforming building or use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Ordinance.

Section 1403: Change of Use

Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

Section 1404: Discontinuance

If a non-conforming use of a building or land ceases or is discontinued for a continuous period of two (2) years or more, the non-conforming status thereof shall be lost, and subsequent use of such building or land shall be in conformity with all the provisions of this Article except in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

Section 1405: Non-conforming Lots

A. Any lot held in single and separate ownership at the effective date of this Ordinance which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon any vacant non-conforming lot provided a special exception is authorized by the Zoning Hearing Board, and further provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this Ordinance. Such development shall comply with the following provisions.

1. The proposed use is permitted by right within the district in which it is located.
2. The proposed building shall comply with all applicable area, height, and bulk regulations, including, but not limited to, applicable district requirements and yard requirements.

Section 1406: Non-conforming Signs

A. Signs in existence at the effective date of this Ordinance may be continued subject to the requirements contained in Section 1404 of this Ordinance.

B. If and when a non-conforming sign is replaced, the new sign shall comply with the requirements of Article XII of this Ordinance. "Replacement" shall not only include simply revising the text or color of the sign, but shall also refer to structural replacement and/or relocation of the sign.

ARTICLE XV: ADMINISTRATION AND ENFORCEMENT

Section 1500: Appointment and Powers of the Zoning Officer

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

Section 1501: Enforcement

It shall be the duty of the Zoning Officer, and the Zoning Officer is hereby given the power and authority, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Township may require. Special exceptions uses, construction permits associated with special exceptions uses, and variances to the requirements of this Ordinance shall be issued only upon approval of by the Zoning Hearing Board. Conditional uses and construction permits associated with special exception uses shall be issued only upon approval by the Board of Supervisors.

Section 1502: Permits

A. Requirement of Permits

A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change of use of a building or land; prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. However, no such zoning permit shall be required for the following situations:

1. Where normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure, are proposed
2. Where such improvement to property is specifically exempted from the permitting requirements of the Tyrone Township Building Permit Ordinance (Ordinance No. 22 of 1991).

B. Application for Permits

All applications for permits shall be accompanied by three (3) sets of plans, 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 existence and intended use of each building or part of a building, the number of dwelling units the building is designed to accommodate, and such

information as may be necessary to determine compliance with this Ordinance and all other ordinances. A copy of such plans shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.

C. Issuance of Permits

1. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition, or alteration complies with all the applicable provisions of this Ordinance, as well as the provisions of all other applicable ordinances.
2. The Zoning Officer shall act upon request within thirty (30) days following the submission of the application.
3. Unless construction shall have been commenced within one (1) year of the permit issuance date, any permit issued hereunder shall become void twelve (12) months after said 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 thirty (30) days prior to the permit expiration date.

Section 1503: Fees

- A. The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for zoning permits, appeals, variances, special exceptions, conditional uses, amendments, bonds, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township office, and may be amended only by the Board of Supervisors.
- B. Such fees shall be payable to the Township, and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on the applications.
- C. Any fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township of Tyrone if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 1504: Inspection By the Zoning Officer

A. It shall be the duty of the Zoning Officer, Building Permit Officer, or other qualified individual authorized by the Township Supervisors, to make the following minimum number of inspections of property for which a permit has been issued:

1. Beginning of Construction

A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted

with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

2. Completion of Construction

A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Ordinance.

Section 1505: Certificate of Non-conformance

A. A Certificate of Non-conformance may be issued by the Zoning Officer upon the request of the owner of any property which is identified as containing a non-conforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

1. The Certificate of non-conformance shall set forth in detail all of the non-conforming conditions of said property.
2. A copy of the Certificate of non-conformance shall be retained and filed by the Zoning Officer.
3. The Certificate shall be for the purposes of insuring the owner the right to continue a non-conforming use in accordance with the regulations of this Ordinance.

Section 1506: Conditional Uses, Application

A. Where provided for in this Ordinance, the Board of Supervisors shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board may grant approval of a conditional use provided that the applicant complies with the following standards for conditional uses as set forth in Sections 403, 503, 603, 702, 802, 902, 1002, and 1102 of this ordinance, and that the proposed conditional use shall not be detrimental to the health, safety, or welfare of the neighborhood.

B. The applicant shall submit three (3) copies of a site plan, containing the required information, as part of the application for conditional use. Said site plans shall remain with the Board of Supervisors and in the Township's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.

C. Unless otherwise specified by the Board of Supervisors or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable,

within one (1) year from the date of authorization thereof by the Board of Supervisors or by the court. Unless otherwise specified by the Board of Supervisors or by law, a conditional use shall expire within two (2) years from the date of authorization thereof by the Board of Supervisors or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said conditional use approval. Under either of the above circumstances, or for any good and reasonable cause, the Board of Supervisors may extend the approval of a conditional use for an additional period of up to one (1) year upon the written request of the applicant.

Section 1507: Hearings on Conditional Use Applications

The Board of Supervisors shall conduct hearings and make decisions on conditional use applications in accordance with the following:

- A. The Board of Supervisors shall conduct hearings and make decisions in regard to applications for conditional use in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the land owner, all owners of adjacent property, the zoning officer, such other persons as the Board of Supervisors shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than thirty (30) days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Supervisors may establish reasonable fees for the holding of such hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.
- C. The hearing shall be scheduled within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
- E. The chairperson or acting chairperson of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross exam adverse witnesses on all relevant issues.

G. Formal rule of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Board of Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by them, or shall be paid by the person appealing from the decision of the Board of Supervisors if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

I. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. When the Board of Supervisors fails to render a decision within the period required by this section or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, the Board of Supervisors shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

K. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

Section 1508: Appeals and Applications

A. An appeal, or application for an amendment, special exception, conditional use, or variance from the terms of this Ordinance shall be filed with the Zoning Officer, and shall contain the following information:

1. The name and address of the applicant.
2. The name and address of the owner of the real estate to be affected by such proposal.
3. A brief description and location of the real estate to be affected by such proposal.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the Section of this Ordinance under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the Section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
6. 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 location of improvements now erected, and proposed to be erected thereon.
7. Any other pertinent data required by the Zoning Hearing Board, Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

Section 1509: Violations

Failure to comply with any provision of this Ordinance, or failure to secure permit or Zoning Hearing Board certification, when required, shall be violations of this Ordinance.

A. Enforcement Notice

1. If it appears to the Township that a violation of any zoning ordinance provision has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice, as provided by Section 616.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
2. The enforcement notice shall be sent to the owner of the record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the determination.
 - f. The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Causes of Action

In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant or real property who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. Such action is instituted by a landowner or Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint of the Board of Supervisors.

C. Enforcement Remedies

1. Any person, partnership, or corporation, who or which has violated or permitted the violation of the provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of or not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township and a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there has been a violation further

determines that there was a good faith basis for person, partnership, or corporation violating the Ordinance to be believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation shall be paid over to the Township of Tyrone.

2. The court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

Section 1510: Appointment of a Zoning Hearing Board

The Tyrone Township Board of Supervisors shall, by resolution and in accordance with Section 903 of Act 170 of 1988 (the Pennsylvania Municipalities Planning Code) appoint a Zoning Hearing Board consisting of three (3) members, and in accordance with Section 906 of Act 170 of 1988, one (1) alternate member. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of Act 170 of 1988. Members and alternative members of the Zoning Hearing Board shall be residents of Tyrone Township and shall hold no other elected or appointed office in Tyrone Township.

Section 1511: Organization of the Zoning Hearing Board

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in Section 908 of Act 170 of 1988.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the board shall designate as many alternate members of the board to set of the boards as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality, and

shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 1512: Hearings

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

A. The Zoning Hearing boards shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning code, Act 170 of 1988. Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate, and any person who has made timely request from the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. The Township Supervisors may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

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

G. The parties shall have the right to be represented by council and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. Unless otherwise required by this Ordinance or Act 170 of 1988, as amended (the Pennsylvania Municipalities Planning Code), the Township shall have the responsibility of presenting its evidence first.

J. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

K. The Board or the hearing officer, as the case may be, shall render a written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

Where the Board fails to render the decision within the period required by this section, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1512.A. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1513: Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters, as set forth in the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

- A. Substantive challenges to the validity of a zoning ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- B. Challenges to the validity of a zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after effective date of said ordinance.
- 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 of the application therefore, the issuance of any case and desist order or the registration or refusal to register any non-conforming use, structure, or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to Section 912.1 of The Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- F. Appeals from the determination of any Officer or agency charged with the administration of any performance density provisions of the Zoning Ordinance.
- G. Appeals from the of the Zoning Officer's determination pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- H. Appeals from the determination of the Zoning Officer or Township 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 applications under Article V and VII of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

Section 1514: Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot area or shape, or exceptionally topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provision of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use of development of adjacent property, not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, and the Zoning Ordinance of the Township of Tyrone.

Section 1515: Parties Appellant Before the Zoning Hearing Board

Appeals under Section 909.1(a)(1), (2), (3), (4), (7), and (9) of Act 170 of 1988 may be filed with the Board in writing by the landowner affected, any officer or agencies of the Township, or any person aggrieved. Requests for a variance under Section 910.2 of Act 170 of 1988 and for special exception under Section 912.1 of Act 170 of 1988 may be filed with the Board by any landowner or any tenants with the permission of such landowner.

Section 1516: Time Limitations

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such approval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 1517: Stay of Proceedings.

Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition to court having jurisdiction of zoning appeals to order such person to post bond as condition to continuing the proceedings before the Board in accordance with Section 915.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

ARTICLE XVI: LEGAL PROVISIONS

Section 1600: Interpretation

In interpreting and applying the provisions of this Ordinance, all provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance, or regulation shall be controlling. This Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between any party, including the Township. However, where this Ordinance imposes greater restrictions than those imposed by such easement, covenant, or agreement, the provisions of this Ordinance shall govern. Where such easement, covenant, or agreement imposes greater restrictions than those imposed by this Ordinance, the provisions of such easement, covenant, or agreement shall govern.

Section 1601: Severability

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any Court or competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance. The Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and work thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

Section 1602: Repealer

All Township of Tyrone Ordinances or parts thereof in conflict with this Zoning Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary give this Ordinance full force and effect.

Section 1603: Effective Date

This Zoning Ordinance shall take effect immediately upon adoption and publication, according to law, by the Board of Supervisors of Tyrone Township, County of Adams, Commonwealth of Pennsylvania.

Enacted and Ordained this _____ day of _____, 19__.

Board of Supervisors
Tyrone Township
Adams County, Pennsylvania

Attest:

Jeanne Motter, Secretary
Tyrone Township

By: _____
Galen Smith Chairman

Edward Weigle, Supervisor

William Starry, Supervisor