

ZONING ORDINANCE

ORDINANCE NO. 26-02

MUNICIPALITY OF

HOWE TOWNSHIP

PERRY COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

July 2, 2026

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ORDINANCE NO. _____

AN ORDINANCE

Permitting, prohibiting, regulating, restricting and determining the use of land, watercourses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of land and structures; areas and dimensions of land to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; and providing for repeal, and variances; for the administration and enforcement of the Ordinance, and such other provisions as may be necessary to implement the purposes of this Ordinance.

Article 1 – Title, Authority, Purpose, Community Development Objectives

Section 101: Short Title

This Ordinance shall be known as and may be cited as the “HOWE TOWNSHIP ZONING ORDINANCE”.

Section 102: Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as reenacted and amended.

Section 103: Purpose

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness and operations, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of the following: over-crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, a range of multi-family dwellings in various arrangements, manufactured/mobile homes and manufactured/mobile home parks.

- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104: Community Development Objectives

To promote and to foster the community development goals and objectives contained in the Howe Township Comprehensive Plan, as amended.

Section 105: Interpretation

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of the Zoning Ordinance shall conform with all regulations and is not intended to interfere with, abrogate, annul supersede or cancel any reservations contained in deeds or other agreements, but that if the Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

Section 106: Application

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. Nothing in this Ordinance shall require any change in filed plans or existing construction or lawful use.

Article 2 - Definitions

Section 201: Use of Definitions

- A. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and for the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
- B. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.
- C. Words used in the present tense include the future tense. The singular includes the plural.
- D. The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.
- E. The word "lot" includes the words "plot" or "parcel".
- F. The term "shall" is always mandatory.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."
- H. Any words not included in the following definitions will be defined as described in the latest edition of Webster's Unabridged Dictionary.

Section 202: Definitions

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

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

ACCESSORY BUILDING: A building subordinate to and detached from the main and principal building on the same lot and used for purposes accessory to and customarily incidental to the main building(s).

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of the lot or main building thereon and located on the same lot with such principal use or main building(s).

ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals, which are distinguished or characterized by their emphasis on obscene materials (as defined in this Article).

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquaculture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce (including feed mill); provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys and the like for use in medical other tests or experiments.

AGRICULTURE, COMMERCIAL ESTABLISHMENT: Agriculturally oriented commercial establishment such as farm implement or equipment dealers, and similar businesses and support services.

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

AGRITAINMENT: A commercial entertainment use that is associated with farms or agricultural uses, but is not supplementary to an active, agriculture operation.

AGRITOURISM ENTERPRISE: Activities conducted on and accessory to a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities shall be directly related to agricultural or natural resources on a property and incidental to the primary operation of the farm.

AGRITOURISM: The practice of visiting a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active participation and involvement in the activities of the farm or enterprise.

AIR RIGHTS: The right to use space above ground level.

ALLEY: A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, including any change in the supporting members of a building such as bearing walls, columns, beams or girders.

AMENDMENT: Any revision to the text of this Ordinance and/or the official Zoning Map. The authority for any amendment lies solely with the Township Board of Supervisors, and shall be enacted in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

AMUSEMENT ENTERPRISE: Commercial entertainment or recreation facility such as a theater, bowling alley, skating rink, miniature golf course or similar use.

ANIMAL HOSPITAL: A building where animals or pets are given medical or surgical treatment and the boarding of animals limited to short-term care incidental to hospital use, ie. recovery or observation.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

ANTENNA, SATELLITE DISH: A device incorporating a reflective surface that is solid, open mesh bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to what are commonly referred to as satellite earth stations, TVROs or satellite microwave antennas.

APARTMENT: A dwelling unit within a multi-family dwelling. This classification includes apartments in Apartment Houses, Studio Apartments and Kitchenette Apartments.

APARTMENT, CONVERSION: An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.

APARTMENT, GARDEN: A two (2) story multi-family dwelling, containing one (1) story dwelling units.

APARTMENT HOUSE: A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

APPLICANT: A landowner or developer, as hereinafter defined, or an authorized agent of either, who has filed an application for development including his heirs, successors and assigns.

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

APPOINTING AUTHORITY: The Board of Supervisors of Howe Township, Perry County, Pennsylvania.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, LOT: The area contained within the property lines of a lot (including easements), as shown on a subdivision plan or recorded in a deed, excluding the area within a public right-of-way.

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

AUTOMOBILE GARAGE: A structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

AUTOMOBILE AND/OR MANUFACTURED MOBILE HOME SALES GARAGE: A structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, manufactured/mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the display or sale of such vehicles.

AUTOMOBILE AND MANUFACTURED/MOBILE HOME SALES LOT: An open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or manufactured/mobile homes and where minor and incidental repair work, other than mechanical, body and fender, may be done.

AUTOMOBILE SERVICE STATION: Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles; and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WRECKING: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOTIVE LUBRICATION FACILITY: A use of a structure, or a portion thereof, where the primary business is vehicle lubrication services, but may include Pennsylvania state safety and emissions (diagnostics) inspections; replacement of fluids, filters, bulbs and wipers; minor glass repair; and tire maintenance and rotation.

BASEMENT: That portion of a building that is partially or wholly below ground level. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.

BED AND BREAKFAST: A privately-owned lodging establishment that offers overnight accommodation and a freshly prepared morning meal. The owner/operator shall live onsite.

BLOCK: An area bounded by streets.

BOARDING HOUSE: A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

BUILDING, ATTACHED: A building consisting of two or more units or structures, connected by a common wall, roof or other building member.

BUILDING, DETACHED: A building surrounded by open space on all sides on the same lot.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs (top of structural parapet wall at roof edge if one exists or is proposed but not including the height of any screening erected on the roof and set back from the roof edge to screen mechanical or other equipment placed on the surface of the roof), to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel to the front, side, or rear lot line so as to provide the required yard.

BUILDING, NONCONFORMING: A building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district as set forth in this Zoning Ordinance.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

BUSINESS PARK: An area specially designated, landscaped, having three or more buildings, and intended for occupancy by commercial and industrial uses such as business offices, warehousing, and light industry.

CAMPING GROUND: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

CARPORT: A covered space, open on at least one (1) side, for the storage of one (1) or more vehicles and accessory to a main or accessory building. May be free standing or attached to the principal building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use, but not including shoulders, curbs, sidewalks or swales.

CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

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

CLOSED LOOP SYSTEM (COOLING): A fully sealed recirculating circuit that transfers heat from sensitive equipment to a heat exchanger without exposing the fluid to the atmosphere.

COMMERCIAL USE: An activity involving the conveyance of goods or services whether or not for profit.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA: Any antenna device used for the wireless transmission or reception of radio, television, telephone, pager, mobile radio or any other wireless communication including, but not limited to, omnidirectional, whip, directional or panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission to operate such devices. This definition shall not include private, residence-mounted radio, television, citizens band or amateur radio antennas or their supporting structures.

COMMUNICATIONS EQUIPMENT BUILDING: A normally unmanned building or cabinet containing communications equipment required for the operation of a communications antennas.

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

COMMUNITY NOISE EQUIVALENT LEVEL (CNEI): The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

COMPREHENSIVE PLAN: A comprehensive long-range plan adopted as an official document to guide the growth and development of the Township as provided for in the Planning Code. The plan includes analyses, recommendations, and proposals for the Township's population, economy, housing transportation, community facilities, and land uses.

CONDITIONAL USE: A use permitted in a particular zoning district pursuant to the provisions in Article 11 of this Ordinance.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as provided by the Pennsylvania Uniform Condominium Act, as amended. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

COVERAGE: That portion or percentage of the lot area covered by impervious materials such as, concrete, paving, roofs, or other impervious material, as defined herein.

CRAFTSMAN SHOP: An establishment for fabrication and assembly customarily by carpenters, cabinet making, furniture repair and upholstery, metal working, tinsmiths, welding, machine shops and other similar businesses.

DATA CENTER: A building or buildings which are occupied primarily by computers, servers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

DATA CENTER ACCESSORY USE: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.

DENSITY: The number of dwelling units, or housing structures per unit of land.

DETERMINATION: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except action by the following:

- The governing body.
- The zoning hearing board.
- The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal as provided by this Ordinance and the Planning Code.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

DISTRICT, ZONING: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Howe Township Zoning Map.

DRAINAGE AREA: The area of land that contributes runoff to a drainage system.

DRAINAGE SYSTEM: Pipes, swales, natural features and man-made improvements designed to carry drainage.

DRIVE-IN USE: An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage dwelling or other structure.

DUMP: A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DWELLING: A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

DWELLING, MANUFACTURED/MOBILE HOME: A transportable, single-family detached dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) 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, including connection to utilities, and constructed so that it may be used without a permanent foundation. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

DWELLING, MULTI-FAMILY: A building, including apartment houses, row houses, or townhouses, occupied by three (3) or more families living independently of each other and doing their own cooking.

DWELLING, SECTIONAL OR MODULAR HOME: A type of dwelling that meets a definition of single-family detached dwelling, single-family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "manufactured/mobile home" and that is supported structurally by its exterior walls and that rest on a permanent foundation.

DWELLING, SINGLE-FAMILY, ATTACHED (ROW): A building used for one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse). Includes the end units of a series of row homes or townhomes.

DWELLING, SINGLE-FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit.

DWELLING, SINGLE-FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

DWELLING, TWO-FAMILY, DETACHED: A building used by two families, having two (2) dwelling units, one located above the other, and having two (2) side yards.

DWELLING UNIT: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A grant of one (1) or more property rights by a property owner to and/or for the use by the public, a corporation or another person or entity.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission and distribution facilities including substations.

ENVIRONMENTAL ASSESSMENT: An analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

ENGINEERING SPECIFICATIONS: The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use. Engineering Specifications may be adopted and amended by Resolution of the Township Board of Supervisors from time to time.

EROSION: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated, moved or bulldozed, including the conditions resulting therefrom.

FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. Also referred to as "face".

FAMILY: A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or no more than three (3) unrelated individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group care facility, commune, or institution.

FAMILY CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such supervisory personnel, as may be required to meet standards of a licensing agency with jurisdiction over such facility. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

FAMILY DAY CARE HOME: A residence offering baby-sitting/child care services or elder adult care services for four (4) to six (6) persons unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day care home is a permitted accessory use in any residence.

FARM: Any parcel of land containing ten (10) or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment, used but excludes the raising of furbearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination. Also, for the purpose of this Ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front-yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere in this Ordinance.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface to create a finished grade at a greater elevation than existed prior to such act.

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

FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom and bathroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window opening onto an outside yard or court or skylight. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space, rest rooms and other general administrative areas, which are not accessible to customers.

FOOD TRUCK: Mobile units, including food trucks, trailers, stick stands, carts, and other similar structures that are mobile or transitory by design from which food is stored, prepared, processed, distributed, or sold.

FOOTCANDLE: Enough light to saturate a one (1)-foot square with one (1) lumen of light.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

GARAGE, PRIVATE: An enclosed or covered space for the storage of one (1) or more vehicles, provided that no business, occupation or service is conducted for profit therein.

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

GARBAGE: Food waste; discarded or useless material.

GARDEN STRUCTURES: Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3') feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens and similar structures. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwallled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GARDENING: The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY: Shall mean the Board of Supervisors of Howe Township, Perry County, Pennsylvania.

GRADE, ESTABLISHED: The elevation of the center line of the streets, as officially established by the Commonwealth or municipal authorities.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND FLOOR: The floor of a building nearest the mean grade of the front of the building.

GROUP CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY CARE HOME: A residence offering baby-sitting/child care services or elder care services for seven (7) to eleven (11) persons unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

HAZARDOUS WASTE: Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1342) or source, special nuclear, or by-product material as defined by the U.S.C. Section 2014), which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "Hazardous Waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the II Coal Refuse Disposal Control Act." "Hazardous Waste shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."

HEAD SHOP: A business selling paraphernalia associated with the use of drugs.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than one (1) employee, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOTEL: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS MATERIAL: Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, compacted stone, gravel or cracker dust, swimming pools and other nonporous structures or materials.

INCINERATOR: An approved device in which combustible material, other than garbage, is burned to ashes.

INDUSTRIAL USE: The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications, and public facilities (e.g. fire houses, parks, etc.).

JUNKYARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

KENNEL: A commercial use in which more than six (6) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold (may need to specify buffer requirement and identify noise barrier from abutting residential uses). Excludes animals under the age of six (6) months to provide for litters of babies to be nursed and for homes to be found for them.

LABORATORY, MEDICAL, ANALYTICAL: A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Exclusion of certain land development as defined above only when such development involves:
 - 1. the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered to be an amusement park. For purpose of this subclause, an amusement park is defined as a tract of area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDOWNER: The legal or beneficial owner(s) of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if they are authorized under a lease to exercise the rights of the landowner, or other person having a proprietary interest in land. Also referred to as "Property Owner".

LIGHT GLARE: The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.

LIGHT TRESPASS: Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is located.

LIGHTING, CUTOFF: A lighting fixture from which no more than 2.5% of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 100% of its lamp's intensity is emitted between 80 degrees and that horizontal plane.

LIGHTING, FOOTCANDLE: A unit of incident light stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

LIGHTING, FULL CUTOFF: A lighting fixture from which none of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's

intensity is emitted between 80 degrees and that horizontal plane.

LIGHTING, FULLY SHIELDED: A lighting fixture, from which, in the installed position, none of its light output, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture (excepting only incidental reflections from supporting brackets or arms), is projected above the horizontal plane through the fixture's lowest light-emitting part, as determined by photometric test or certified by the manufacturer. Any structural part of the fixture providing this shielding shall be permanently affixed.

LIGHTING, ILLUMINANCE: The quantity of incident light measured in footcandles.

LIGHTING, LUMEN: The light-output rating of a lamp (light bulb), as used in the context of this Ordinance.

LIGHTING, LUMINAIREL: A complete lighting unit

LIVESTOCK: Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, sheep, goats, chickens, ducks, geese, and other fowl.

LOADING BERTH/SPACE: An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet. A corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard. The rear yard shall be opposite the front entrance of the building.

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

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: The line forming a boundary to a public or private street or access easement.

LOT LINE, REAR: The line forming a boundary for a lot opposite the front lot line.

LOT LINE, SIDE: A line forming a boundary for a lot that is not a front or rear lot line.

LOT, MINIMUM WIDTH: The minimum lot width at the building setback line, as defined herein.

LOT, NONCONFORMING: A lot of an area or dimension of which was lawful prior to the adoption or amendment of this 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.

LOT OF RECORD: A lot for which a deed or plan has been recorded in the Office of the Recorder of Deeds of Perry County, Pennsylvania.

LOT, REVERSE FRONTAGE: A lot extending between, and having frontage on an arterial street

and a minor street, and with vehicular access solely from the minor street.

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

LOW RISE APARTMENT: A residential building containing up to four (4) stories. Also known as a Garden Apartment.

MANUFACTURED/MOBILE HOME LOT: A parcel of land in a manufactured/mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon, of a single manufactured/mobile home.

MANUFACTURED/MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes.

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MAJOR THOROUGHFARE: A street or highway designated as an existing or planned major thoroughfare.

MEDICAL CENTER: A medical marijuana dispensary is a state-licensed retail facility that legally sells cannabis and cannabis-infused products to registered patients for therapeutic purposes.

MEDICAL MARIJUANA DISPENSARY: An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, eye doctors, and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and miscellaneous types of medical supplies and services.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MOBILE FOOD PEDDLER: Any individual responsible for the operation of or preparation of food from a food truck.

MOBILE HOME: 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, connection to utilities and constructed so that it may be used without a permanent foundation.

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

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945", including the Howe Township Municipal Authority.

MUNICIPAL BUILDING/FACILITY: Any building owned by Howe Township or the Howe Township Municipal Authority, including Township administrative offices, meeting rooms, sewer/water facilities, pump stations, reservoirs and similar structures.

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

MUNICIPALITY: Howe Township of Perry County

MUNICIPALITY, LOCAL: Howe Township

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

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 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.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY PERMIT: A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances, including this Ordinance and the Building Code Ordinance.

OFFICE BUILDING: A building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL: A room or rooms used for the carrying on of a profession to include, but not limited to, architects, engineers, accountants, attorneys, real estate brokers, insurance agents or similar profession entitled to practice under the laws of the Commonwealth of Pennsylvania.

OFFICIAL MAP: A legally adopted map that conclusively shows the location and width of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing of same, for the whole of the municipality.

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

OPEN SPACE: The unoccupied space open to the sky on the same lot with a building or buildings, not including parking lots.

OUTDOOR DINING: An area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment located in a strip mall; also includes any outdoor area where beverages are consumed with or without the provision of dining facilities.

PARKING LOT: Any lot, publicly or privately owned, for off- street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PARTY WALL: A common shared wall separating two (2) separate structures, buildings, or dwelling units.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON: Any individual or group of individuals, corporations, partnership, or any business entity.

PERSONAL SERVICES: Businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios, and beauty and barber shops.

PLANNING AGENCY: A planning commission, planning department, or a planning committee of the governing body or Perry County.

PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as reenacted and amended.

PLANNING COMMISSION: The Howe Township Planning Commission, appointed by the governing body in accordance with the Second Class Township Code of Pennsylvania and the Municipalities Planning Code, Act No. 247.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

PORCH: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side or rear door.

PREMISES: Any lot, parcel or tract of land and any building constructed thereon.

PRESERVATION OR PROTECTION: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses for the removal of natural resources.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE ROAD: A legally established right-of-way other than a public street, which provides the primary vehicular and/or pedestrian access to a lot or lots.

PROFESSIONAL CONSULTANTS: Persons who provide expert or professional advice, including, but not

limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROFESSIONAL OCCUPATION: The practice of a profession by any professional, including but not limited to, Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania, pursuant to a license issued by the Commonwealth.

PUBLIC: Owned, operated or controlled by a government agency (Federal, State, or local, including a corporation, authority and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC GROUNDS: Public grounds include the following:

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

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance or as required by the Planning Code.

PUBLIC INFRASTRUCTURE SERVICES: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilitates for the collection and treatment of sewage, water lines and facilitates for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriated within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings), commonly referred to as the "Sunshine Law".

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC SEWER AND WATER SYSTEM: Any system, other than an individual septic tank, title, field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

PUBLIC UTILITY FACILITIES: Public utility transmission and distribution facilities including substations and the like.

RACE TRACK: A facility consisting of a dirt or paved track used primarily for the sport of automobile, ATV, snowmobile, remote control (RC) or motorcycle racing. A racetrack may include seating, and parking facilities, but does not include accessory offices, residences, or retail facilities. A drag strip is not considered a race track under this Ordinance.

RECREATION FACILITY, PRIVATE: A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

RECREATION FACILITY, PUBLIC: A recreation facility operated by governmental agency and open to the general public.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8') feet and a body length of no more than thirty-five (35') feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

RECREATIONAL VEHICLE PARK OR CAMP GROUND: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, or recreational vehicle or campground lots rented for such use thereby constituting a "land development".

RECYCLING FACILITY: An establishment which provides the means for the collection, separation, recovery, and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of and processed as municipal waste.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESTAURANT (TAKE-OUT ONLY): the delivery of foods, drinks, or goods to a customer and/or delivery service to a vehicle parked within a designated parking space that does not count towards meeting minimum parking requirements, provided that curbside pickup does not interfere with fire lanes. Take-Out only shall also include drive-thru only restaurants.

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

RIGHT-OF-WAY: A strip of land intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses; generally, the right of one to pass over the property of another for access, or the installation and maintenance of a road or utility.

RIGHT-OF-WAY, STREET: The defined public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

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

RUBBISH: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania, including public, private, charter and cybers schools or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, NURSERY (DAY CARE CENTERS): A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited or remain suspended in water, it is referred to as "sediment".

SHOOTING RANGE (PRIVATE): A privately owned shooting range that is either indoor or outdoor and is either open to the public for use or is limited to private membership, whether or not a fee for such use is paid.

SHOOTING RANGE (PUBLIC): A shooting range that is owned and operated by a public entity, ie. Pennsylvania Game Commission or Pennsylvania State Police. Depending on the agency, it may or may not be open to the public.

SHOPPING CENTER: A group of stores planned and designed to function as a unit for the lot on which it is located with off- street parking provided as an integral part of the unit. For the purposes of this ordinance, a shopping center is defined as a group of three (3) or more stores on a single parcel of ground.

SHORT-TERM RENTAL: A dwelling unit that is typically rented for a period of less than 30 consecutive days; can be a single family house, a townhouse, an apartment, etc., that provides renters complete living facilities including sleeping, eating, and/or sanitation. Typically offered for rent on a variety of online platforms that connect property owners and managers with prospective renters. Does not include Bed and Breakfast operations.

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

SITE DEVELOPMENT PLAN: A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of- ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

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

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

STORAGE FACILITY: A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

STORY: That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gabled, hipped, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls, are not over three (3') feet above the finished floor of such story.

STREET: Includes streets, avenues, boulevards, roads, highways, freeways, parkways, lanes, alleys, viaducts and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, CUL-DE-SAC: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE: The dividing line between the street and the lot, also known as the right-of-way line.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Such period shall not exceed six (6) months or as otherwise noted in the Ordinance.

STRUCTURE, NONCONFORMING: 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 reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

SUBSTANTIAL IMPROVEMENT: Any repair, alteration, reconstruction or improvement of a structure, and/or use the cost of which equals or exceeds fifty (50%) percent of its assessed value either:

- A. before improvement is started, or
- B. if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for storm water management.

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

SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above-surface pool, having a depth of more than twenty-four (24) inches, designed, used and maintained for swimming and bathing.

TOWNSHIP: Howe Township, Perry County, Pennsylvania.

TRANSFORMER SUBSTATION: An electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

TRUCK TERMINAL/DISTRIBUTION CENTER/FULFILMENT CENTER: A facility where trucks load and unload goods, products, cargo, materials and/or freight and where the same are broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points or junctions. This use may also involve parking, storage, and incidental repairs and maintenance of primarily tractor-trailers and commercial vehicles. A Truck Terminal/Distribution Center/Fulfillment Center may include accessory uses if they are closely related to the principal use, such as, but not limited to, repair, washing, refueling, and maintenance facilities for trucks using the terminal. A Truck Terminal/Distribution Center/Fulfillment Center includes value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, products mixing, packaging, cross-docking, order fulfillment, or order returns, and the consolidation of several orders into one (1) large order for distribution to several recipients and vice versa. Materials within a Truck Terminal/Distribution Center/Fulfillment Center are usually stored short-term.

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

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use, unless registered with the Zoning Officer as provided herein.

USE, NONCONFORMING: A use, whether of land or structure, which does not comply with the applicable use provisions in this 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.

USE, PRINCIPAL: The primary or predominant use of any lot.

USE, TEMPORARY: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period. Such time shall not exceed six (6) months.

VEGETATIVE COVER: Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICLE: Any car, truck, motorcycle, trailer, recreational vehicle, or other vehicle that is or should be licensed in the Commonwealth of Pennsylvania.

WAREHOUSE/LOGISTICS CENTER: A building or group of buildings primarily used for the long-term indoor storage, transfer, and distribution of products and materials that have been manufactured, assembled, or harvested, or are being stored with the intent of the processing of materials to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. Materials within a Warehouse/Logistics Center are usually supplied to manufacturers or wholesalers rather than directly to consumers. Warehouse/Logistics Centers shall be classified as:

- A. Small Warehouse/Logistics Center: A Warehouse/Logistics Center that does not exceed 25,000 square feet of gross floor area per lot.
- B. Large Warehouse/Logistics Center: A Warehouse/Logistics Center that exceeds 25,000 square feet of gross floor area per lot.

WATERCOURSE: A stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

WIND ENERGY CONVERSION SYSTEM (WECS): A device which converts wind energy to mechanical or electrical energy.

WIND ROTOR: The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

YARD: An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER: A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

YARD, EXTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ZONING: The demarcation of the Township into zones or areas, and the application of this Ordinance to establish regulations to govern the use of the land including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in Section 604 of the Planning Code.

ZONING HEARING BOARD: A group of three (3) Township residents, including alternates, appointed by the governing body as required by the Planning Code.

ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the Township which shall be part of this Ordinance.

ZONING OFFICER: The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.

Article 3 – Designation of Districts

Section 301: Zoning Districts

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

CF CONSERVATION/FOREST DISTRICT
A AGRICULTURAL DISTRICT
R-1 RESIDENTIAL DISTRICT
R-2 RESIDENTIAL DISTRICT
R-3 RESIDENTIAL DISTRICT
C COMMERCIAL
FW FLOODWAY DISTRICT
FF FLOOD FRINGE DISTRICT

Section 302: Zoning Map

- A. The boundaries of the CF, A, R-1, R-2, R-3, and C Districts shall be as shown, upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
- B. The boundaries of the FW and FF Districts shall serve as overlays to the underlying Districts as shown on the Official Zoning Map. The boundaries are derived from and depicted based on the Flood Data Table and 100 year flood delineation in the Howe Township Flood Insurance Study (FIS) as provided for by the Pennsylvania Flood Plain Management Act, 32 P.S. § 679.101 et seq. (PFPMA), and the Howe Township Floodplain Management Ordinance of 2009, or its successors.

The said study and accompanying maps and all notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully set forth herein.

Section 303: Boundaries Between the CF, A, R-1, R-2, R-3, or C Districts

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.
- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent the number of feet so indicated.
- C. Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.

Section 304: Interpretation of Boundaries

When a CF, A, R-1, R-2, R-3, or C or District Boundary Line divides a lot held in single or separate ownership at the effective date of this Ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than one hundred (100') feet beyond the District boundary line.

Section 305: District Uses (Table 3)

Table 3 identifies uses permitted within each of the designated districts. Uses are noted as P-Permitted, N-Not Permitted, CU-Conditional Use. Permitted and Conditional Uses may have Supplemental Regulations that need to be met. They are provided for in Article 10 of this Ordinance.

TABLE 3 - DISTRICT USES							
Proposed Use	CF	A	R1	R2	R3	C	Supplemental Regulations*
Residential Uses							
Single family detached	P	P	P	P	P	N	
Single family semi-detached	N	N	N	N	P	N	
Two-family detached	N	N	N	N	P	N	
Single family attached	N	N	N	N	P	N	
Multi-family (apartment)	N	N	N	N	P	P	
Apartment (Conversion)	N	N	N	CU	N	N	Section 1002.E
Seasonal cottage, hunting/fishing cabin	P	N	N	P	N	N	
Bed & Breakfast	P	P	P	N	P	N	Section 1003.C
Boarding or Rooming House	CU	CU	P	N	CU	N	Section 1002.G
Short Term Rental	P	P	P	N	P	N	Section 1003.T
Mobile/Manufactured home	P	CU	CU	N	N	N	Section 1002.S
Mobile Home Park	N	N	N	N	CU	N	Section 1002.T
Proposed Use	CF	A	R1	R2	R3	C	
Agriculture/Conservation Uses							
Agriculture	P	P	P	N	N	N	
Agritourism	CU	CU	N	N	N	CU	Section 1002.C
Sawmill	P	P	N	N	N	N	
Agriculture Operation	P	P	N	N	N	N	
Orchard	P	P	N	N	N	N	
Hatchery	P	P	N	N	N	N	
Kennel	CU	CU	N	N	N	N	Section 1002.Q
Temporary roadside produce stand	P	P	N	N	N	P	Section 1003.V
Grange hall/buildings for agricultural groups	P	P	N	N	N	P	
Proposed Use	CF	A	R1	R2	R3	C	
Commercial Uses							
Adult Businesses	CU	CU	N	N	N	N	Section 1002.A
Agriculture, commercial establishment	N	N	N	N	N	P	
Agritainment	CU	CU	N	N	N	CU	Section 1002.B
Airport/heliport	N	CU	N	N	N	P	Section 1002.D/1002.N
Amusement enterprise (commercial recreation facility)	N	N	N	N	N	P	
Arts and crafts manufacturing and sales	N	N	N	N	N	P	
Automobile sales and service (including body shop)	N	N	N	N	N	P	Section 1003.B
Car wash (automated or manual)	N	N	N	N	N	P	
Construction and farming materials/equipment	N	P	N	N	N	P	
Craftsman shop	N	N	N	N	N	P	
Dance/music studio	N	N	N	N	N	P	
Daycare/preschool	N	N	N	N	N	P	
Food Truck	P	P	P	P	P	P	Section 1003.H
Florist	N	N	N	N	N	P	
Funeral home/mortuary	N	N	N	N	N	P	
Garden store	N	N	N	N	N	P	
Golf course/country club	CU	P	N	N	N	P	Section 1002.K
Group Care/Home Facility	N	N	CU	N	CU	N	Section 1002.L
Hospital	N	N	N	N	N	P	
Head Shop	N	N	N	N	N	CU	
Hotel and motel	N	N	N	N	N	P	Section 1003.I
Laboratories	N	N	N	N	N	P	
Massage Therapist	N	N	N	N	N	CU	Section 1002.V
Medical/dental clinic/office	N	N	N	N	N	P	
Micro-brewery	N	N	N	N	N	P	
Nurseries (Greenhouse)	P	P	N	N	N	P	Section 1003.F
Personal service establishment	N	N	N	N	N	P	
Printing and publishing	N	N	N	N	N	P	
Professional office (bank, insurance, attorney, engineer, etc.)	N	N	N	N	N	P	
Race track (Public)	N	N	N	N	N	CU	Section 1002.W
Renewable Energy Resource	CU	N	CU	CU	N	N	Section 1003.P
Restaurants (diner, coffee shop, donut shop)	N	N	N	N	N	P	
Restaurant (Outdoor Dining)	N	N	N	N	N	P	Section 1003.Q
Restaurant (Take-Out Only)	N	N	N	N	N	P	Section 1003.R
Retail stores (including retail packaging/shipping)	N	N	N	N	N	P	
Riding academy	CU	CU	N	N	N	N	Section 1002.Y
Shooting Range (Indoor/Outdoor) - Private	CU	CU	N	N	N	CU	Section 1003.S
Veterinary service/animal hospital	P	P	N	N	N	P	
Proposed Use	CF	A	R1	R2	R3	C	
Industrial Uses							
Wholesale and warehouse business, including distribution activities	N	N	N	N	N	P	Section 1002.AA
Auto salvage yard	N	CU	N	N	N	N	Section 1002.F
Bottling works	N	N	N	N	N	P	
Incinerator/Landfill	CU	N	N	N	N	N	Section 1002.P/1002.R
Manufacturing facility	N	CU	N	N	N	P	Section 1002.U
Recycling facility	N	N	N	N	N	CU	Section 1002.X
Machine shop	N	N	N	N	N	P	
Freight and trucking terminals	N	N	N	N	N	CU	Section 1002.J
Shopping Center Conversion	N	N	N	N	N	CU	Section 1002.Z
Data Centers	N	N	N	N	N	CU	Section 1002.I
Proposed Use	CF	A	R1	R2	R3	C	
Public Uses							
Public park and recreation area	P	P	P	P	P	P	
Church or similar place of worship	P	P	P	P	P	P	Section 1103.D
Cemetery	P	P	P	P	P	P	
Municipal building/facility	P	P	P	P	P	P	Section 1103.K
Public utility (transmission/distribution) facilities	P	P	P	P	P	P	Section 1103.O
Public/private education facilities (school/college)	P	P	P	P	P	P	Section 1103.D
Library	P	P	P	P	P	P	Section 1103.D
Fraternal organization, club or lodge	N	N	N	P	N	P	Section 1103.E
Shooting Range (Indoor/Outdoor) - Public	P	P	N	N	N	P	Section 1103.S
Proposed Use	CF	A	R1	R2	R3	C	
Miscellaneous							
Signs	P	P	P	P	P	P	
Communications Antenna, Building Equipment and/or Tower	CU	CU	N	N	N	CU	Section 1002.H
Accessory Uses							
Home occupations	CU	CU	CU	CU	CU	P	Section 1002.O
Accessory use/building incidental to permitted use	P	P	P	P	P	P	
Containment of large pets/livestock accessory to permitted use	P	P	P	N	N	N	Section 1003.G
Race track (private)	N	N	N	N	N	CU	Section 1002.W
Swimming Pool	P	P	P	P	P	P	Section 1003.N
Renewable Energy Resource (building mounted)	P	P	P	P	P	P	Section 1003.P
No-impact Home Business	P	P	P	P	P	P	Section 1003.O
Outdoor Wood Burners	P	P	P	N	N	N	Section 1003.M

* Additional regulations may applied to the noted uses. Refer to the section cited.

Article 4 - CF – Conservation/Forest District

Section 401: Purpose

The CF District regulations are intended to achieve the protection of woodlands, water supply sources, flood plains and stream channels, scenic areas, wildlife habitats, areas of excessive slopes, and other environmentally sensitive areas from unsuitable development activities.

Section 402. Permitted Uses

A building may be erected or used and a lot may be used or occupied for any use in accordance with Table 3.

Section 403. Height Regulations

The height of a principal building shall not exceed thirty (30') feet. No accessory building shall exceed twenty-four (24') feet in height, except that accessory buildings used for agricultural uses shall be exempt from height restrictions.

Section 404. Lot Area Regulations

The minimum lot size shall be five (5) acres. Density of residential units shall be five (5) acres per unit.

Section 405. Width Regulations

The lot width at the street right-of-way line shall be not less than two hundred (200) feet.

Section 406. Yard Regulations

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

- A. Front yard depth: fifty (50) feet.
- B. Side yard width: twenty-five (25) feet each, on an interior lot. On a corner lot, the side yard abutting the street shall be not less than fifty (50) feet in width.
- C. Rear yard depth: fifty (50) feet.

Section 407: Coverage Regulations

The coverage shall be no more than twenty (20) percent.

Section 408: Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 409: Signs Requirements

Signs shall be provided in accordance with the provisions of Article 13 of Ordinance.

Article 5 - A – Agricultural District

Section 501: Purpose

Agricultural land is considered a special irreplaceable resource within the Township which, if lost, is not recoverable once developed. Agricultural activities are an integral part of the culture and economy of Howe Township and are therefore deserving of preservation. The Agriculture District is intended and designed to preserve and promote agricultural activities in areas of productive soils and active farming as an on-going and viable major component of the Township's economy and life-style. It is further intended to prevent adverse effects resulting from encroachment by guiding development types and intensities incompatible with agricultural operations into more appropriate zoning districts. In the Agricultural District agricultural and related support activities are considered primary uses, with residential and other non-agricultural uses being secondary. Therefore, non-agricultural uses permitted to develop in this District must accept nuisances which are normally adjunct to farming and related operations.

Section 502: Permitted Uses

A building may be erected or used and a lot may be used or occupied for any use in accordance with Table 3.

Section 503: Height Regulations

The height of a principal building shall not exceed thirty (30') feet. No accessory building shall exceed twenty-four (24') feet in height, except that accessory buildings used for agricultural uses shall be exempt from height restrictions.

Section 504: Lot Area Regulations

- A. The maximum lot size for residential and commercial uses shall be two (2) acres, unless otherwise provided for in Article 11 of this Ordinance. The maximum lot size may be increased by up to one and one half (1-1/2) acres iff well testing, soil limitations for on site sewage disposal, or other documented physical factors evidence the need for a larger lot, as determined by the Zoning Officer.
- B. The minimum lot size for agricultural/conservation uses shall be fifteen (15) acres.

Section 505: Width Regulations

The lot width at the street right-of-way line shall be not less than one hundred and fifty (150') feet.

Section 506: Yard Regulations. Each lot shall have front, side and rear yards of not less than the depth and width indicated below.

- A. Front yard depth: fifty (50') feet.
- B. Side yard width: twenty-five (25') feet each on an interior lot. On a corner lot, the side yard abutting the street shall be not less than fifty (50') feet in width.
- C. Rear yard depth: fifty (50') feet.

Section 507: Coverage Regulations

Building coverage shall be no more than twenty (20%) percent.

Section 508: Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 509: Signs Requirements

Signs shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Article 6 - R-1 - Residential District

Section 601: Purpose

The purpose of the R-1 district is to provide reasonable standards for the orderly expansion of suburban-type residential development to prevent the over-crowding of land, to exclude activities of a commercial or industrial nature which are incompatible with residential development, and to otherwise create conditions conducive to carrying out the purposes of this ordinance and the Comprehensive Plan.

Section 602: Permitted Uses

A building may be erected or used and a lot may be used or occupied for any use in accordance with Table 3.

Section 603: Height Regulations.

The height of a principal building shall not exceed thirty (30') feet. The height of accessory buildings shall not exceed twenty (20') feet, except that accessory buildings for farm uses shall be exempt from height regulations.

Section 604: Lot Area Regulations

The minimum lot area shall be not less than one (1) acre; unless the lots are served by public sewer and public water in which case the minimum lot size shall not be less than 20,000 square feet; or unless the lots are served by either public water or public sewer in which case the minimum lot area shall not be less than 30,000 square feet.

Section 605: Width Regulations

The lot width at the street right-of-way line shall be not less than one hundred (100') feet.

Section 606: Yard Regulations

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

- A. Front yard depth: thirty (30') feet.
- B. Side yard width: fifteen (15') feet each, on an interior lot. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.
- C. Rear yard depth: thirty (30') feet.

Section 607: Coverage Regulations

Building coverage shall be no more than thirty (30%) percent.

Section 608: Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 609: Signs Requirements.

Signs shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Article 7 - R-2 - Residential District

Section 701: Purpose

The purpose of the R-2 district is to provide for the orderly expansion of medium density residential development in areas where the location of community facilities is feasible; to provide for the public health and to prevent the overcrowding of land through the application of maximum residential densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude activities of a commercial or industrial nature and other activities not compatible with residential development.

Section 702: Permitted Uses

A building may be erected or used and a lot may be used or occupied for any use in accordance with Table 3.

Section 703: Height Regulations

The height of a principal building shall not be greater than thirty-five (35') feet. The height of an accessory building shall not exceed twenty (20') feet, except accessory buildings used for agricultural purposes shall be exempt from height restrictions.

Section 704: Lot Area and Width Regulations.

A. Residential Lots

Dwelling Type	Lot Area Per Dwelling Unit (d.u.)	Lot Width at street right-of-way line (ft.)
Single-family detached	10,000 sq. ft.	90 ft.

B. Non-Residential Lots

The minimum lot area for non-residential uses shall be one 20,000 square feet and minimum lot width shall be 100 feet measured at the street right-of-way line

C. Maximum Density

The maximum density in this District shall not exceed eight (8) dwelling units per acre.

Section 705: Yard Regulations

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

A. Front yard- thirty (30') feet.

B. Side yard- fifteen (15') feet each on an interior lot; on a corner lot the side yard abutting a street shall be not less than thirty (30') feet.

C. Rear yard- thirty (30') feet.

D. Two-story multi-family dwellings shall have a front yard, two (2) side yards, and a rear yard each of not less than thirty (30') feet in width. For land development situations, the front-to-front, side-to- side, and rear-to-rear distances between buildings shall be not less than twenty-five (25') feet.

Section 706: Coverage Regulations

Lot coverage shall not exceed thirty (30') percent.

Section 707: Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 708: Sign Requirements

Signs shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 709: Buffer Yards

A buffer yard shall be provided between residential and non-residential uses in accordance with the provisions of Article 11, Section 1105 of this Ordinance.

Article 8 - R-3 - Residential District

Section 801: Purpose

The purpose of the R-3 district is to provide for the orderly expansion of medium density residential development in areas where the location of community facilities is feasible; to provide for the public health and to prevent the overcrowding of land through the application of maximum residential densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude activities of a commercial or industrial nature and other activities not compatible with residential development.

Section 802: Permitted Uses

A building may be erected or used and a lot may be used or occupied for any use in accordance with Table 3.

Section 803: Height Regulations

The height of a principal building shall not be greater than thirty-five (35') feet. The height of an accessory building shall not exceed twenty (20') feet, except accessory buildings used for agricultural purposes shall be exempt from height restrictions.

Section 804: Lot Area and Width Regulations.

A. Residential Lots

1. The following standards shall apply to lots served by both public sewerage and water facilities.

Dwelling Type	Lot Area Per Dwelling Unit (d.u.)	Lot Width at street right-of-way line (ft.)
Single-family detached	10,000 sq. ft.	90 ft.
Single-family semi-detached	10,000 sq. ft.	50 ft. per d.u.
Two-family detached	15,000 sq. ft.	90 ft. per d.u.
Single-family attached	4,000 sq. ft.	20 ft.
Apartments	5,000 sq. ft.	200 ft.

2. Any lot not served by public sewerage and public water shall have a minimum lot area of one (1) acre and a minimum lot width of one hundred (100) feet.

B. Non-Residential Lots - The minimum lot area for non-residential uses shall be one 20,000 square feet and minimum lot width shall be 100 feet measured at the street right-of-way line.

C. Maximum Density - The maximum density in this District shall not exceed eight (8) dwelling units per acre.

Section 805: Yard Regulations

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

A. Front yard:

1. Front yard driveway access (front yard parking) - thirty (30) feet

2. Rear yard driveway access (rear yard parking or rear yard garage) – five (5) feet

B. Side yard:

1. Single family detached - ten (10) feet each side
2. Single family semi-detached – ten (10) feet one side; zero on attached side
3. Two-family detached – ten (10) feet each side
4. Single family attached – fifteen (15) feet on end units; zero on interior units
5. Multi-family – fifteen (15) feet each side

C. Rear yard:

1. Principal structure - thirty (30) feet
2. Accessory structure – ten (10) feet

- D. For Single Family Attached and Multi-family dwellings, the front-to-front, side-to-side, and rear-to-rear distances between buildings shall be not less than twenty-five (25') feet.

- E. For infill lots with principal structures on adjacent lots, the front setback shall be determined based on the average front setback of the existing structures.

Section 805: Coverage Regulations

Lot coverage shall not exceed forty (40) percent.

Section 806: Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 807: Sign Requirements

Signs shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 808: Buffer Yards

A buffer yard shall be provided between residential and non-residential uses in accordance with the provisions of Article 11, Section 1105 of this Ordinance.

Article 9 - C – Commercial District

Section 901: Purpose

The purpose of the C district is to provide reasonable standards for the development of a variety of commercial and light industrially-oriented uses in areas where such uses already exist and where, due to the character of the undeveloped land, the establishment of such uses is feasible. The standards of this District are designed to minimize traffic congestion on the street and provide for convenient public access to commercial services and industrial facilities.

Section 902: Permitted Uses

A building may be erected or used and a lot may be used or occupied for any use in accordance with Table 3.

The above uses are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, refuse matter, or their causes.

Section 903: Height Regulations

- A. The height of a principal building shall not exceed sixty (60) feet, unless otherwise provided for in Article 11. Any mechanical appurtenances permitted to extend above sixty (60) feet shall be located on the roof, or otherwise provided with an architectural treatment (e.g. screen or wall) that is at least six (6) inches taller than the height of such equipment.
- B. 20) feet.
- C. Accessory buildings used for farming are exempt from height restrictions.

Section 904: Lot Area Regulations

Minimum lot areas shall be as follows:

- A. The minimum lot area for uses served by an on-lot septic system and well shall be one (1) acre.
- B. Where served by public sewer and public water, the minimum lot area shall be not less than 20,000 square feet.

Section 905: Lot Width Regulations

The lot width at the street right-of-way line shall be not less than one hundred (100') feet.

Section 906: Coverage Regulations

Lot coverage shall not exceed seventy (70) percent of the lot area.

Section 907: Yard Regulations

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

- A. Front yard: thirty (30) feet
- B. Side yards:

1. Twenty (20) feet each
2. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20') feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet.

C. Rear yard: thirty-five (35') feet.

Section 908: Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 909: Signs Requirements

Signs shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 910: Buffer Yards

A buffer yard shall be provided between residential and commercial uses in accordance with Article 11, Section 1105 of this Ordinance.

Article 10 – Supplemental Regulations for Conditional and Permitted Uses

Section 1001: Conditional Uses

A. PURPOSE

Conditional uses are those uses which have some special impact or uniqueness, such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. When a conditional use is proposed, a review of the location, design, configuration and impact is conducted by comparing the proposed use to fixed standards. The findings of the review determine whether the proposed use should be permitted by weighing public need for, and benefit to be derived from, such use, against varied impacts on neighboring properties it may cause. The review considers the proposed use in terms of the existing zoning and land use in its vicinity, and planned and proposed public and private developments which may be adversely affected; whether and to what extent the proposed use, at its particular location, is necessary or desirable to provide a development which is in the interest of public convenience or which shall contribute to the general welfare of the immediate area and Howe Township; and whether and to what extent all possible steps have been taken by the developer to minimize any adverse effects of the proposed use on the immediate neighborhood area and on the public health, safety, morals and welfare in general.

B. APPLICABILITY

Any use which is listed as a Conditional Use in any zoning district established by this Zoning Ordinance shall comply with this Article.

C. PROCEDURES

All applications for conditional use permits shall be made in writing by the owner of the property for which it is sought on a form supplied by the Township and shall be filed with the Township Secretary or Zoning Officer. The application shall include ten (10) copies of the following information, and shall include appropriate filing fees, as established by the Township by Resolution, from time to time.

1. Legal description of the parcel(s) for which the conditional use is desired;
2. A map or maps of the subject property showing:
 - a. Property boundaries;
 - b. Total acreage;
 - c. Contours at two (2) foot intervals; Location, width and name of all existing or previously platted streets and utility rights-of-way;
 - d. Parks and other public open space, permanent easements, and Township boundary lines within five hundred (500) feet of the property; and
 - e. The location of existing utilities, drainage culverts and swales, and any existing structures.
 - f. The location of any on-lot sewer and water.
3. A statement of the proposed use of the parcel, together with a site plan containing the layout of the development drawn to scale showing the location and exterior dimensions of all proposed buildings in relation to property and street lines; and
 - a. Information regarding planned treatment and disposal of sewage and industrial wastes, water supply and storm drainage;

- b. The size and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density;
 - c. The location, size arrangement and capacity of all areas to be used for off-street parking and off-street loading;
 - d. The location and dimension of all existing and proposed vehicular drives, entrances, exits, traffic circulation patterns, acceleration and deceleration lanes; and
 - e. The location and dimension of all existing and proposed pedestrian entrances, exits and walkways.
- 4. Following the submission of an application, Planning Commission and/or the Board of Supervisors may request other data or supplemental information deemed necessary by them or by the Zoning Officer to determine compliance of the proposed conditional use with the terms of this zoning ordinance.
 - 5. When a conditional use is sought for a development which is a part of a subdivision or land development plan which has received final plan approval or for which a previous conditional use permit has been issued, the plan or conditional use permit, together with any covenants, conditions or other restrictions related thereto shall be submitted as a part of the application for the new conditional use permit.
 - 6. Conditional use permits may be granted for lease properties or structures. However, the application shall be signed by both the property owner and the tenant/lessee or owner shall provide written authorization for tenant/lessee to file application. Once granted, the conditional use may be continued by other tenants/lessees provided the use remains the same and all terms and conditions of the original permit are followed.

D. NOTIFICATION OF ADJACENT PROPERTY OWNERS

Notification of conditional use applications shall be provided to adjacent property owners shall be provided in accordance with the Planning Code.

E. PLANNING COMMISSION REVIEW

A review shall be held by the Planning Commission at its next regular meeting following acceptance of the Conditional Use application by the Township. Acceptance of the application is deemed to occur when the completed application and application fee is received by the Township and a receipt for same is returned to the applicant. Complete applications for Conditional Use approval shall be submitted fourteen (14) days prior to the date of the Planning Commission meeting at which review is desired. Applications submitted late will not be accepted, and shall be returned to the applicant for submittal the following month.

The Planning Commission may, at its next regular meeting following acceptance of the Conditional Use application, render to the Board of Supervisors a recommendation to either; (1) grant approval of the application as submitted; (2) grant approval of the application subject to conditions; (3) deny the application; or (4) table the plan for revisions.

In the event an application is recommended for approval with conditions by the Planning Commission, such conditions shall be communicated to the Applicant and to the Board of Supervisors in writing before the next regular meeting of the Board of Supervisors.

F. BOARD OF SUPERVISORS REVIEW

The Board of Supervisors shall hold the first public hearing on the application, pursuant to public notice as required by the Planning Code, within sixty (60) days of the date of acceptance by the Township of the application, and render its decision not more than forty-five (45) days following the date of the last public hearing on the application, unless the applicant agrees in writing to an extension of that deadline. Hearings shall be held in accordance with Section 908 (1.2) of the Planning Code. The decision of the Board shall be communicated in writing to the applicant by Certified Mail, unless an Applicant has agreed in writing or on the record to an extension of time. Failure of the Board to hold a public hearing within sixty (60) days of the date of acceptance of the application without the written concurrence of the applicant and to render its decision no more than forty-five (45) days following the date of the public hearing shall constitute a deemed approval by the Board of Supervisors as submitted.

G. DENIAL OF APPLICATION

An application for conditional use shall be denied if the Board finds:

1. That the application and record fail to establish compliance with the standards applicable to the proposed development by the provisions of this ordinance.
2. Denial of the conditional use application will be in the interest of the overall public health, safety and welfare because there are adverse impacts of the use or development, after review in accordance with Section 1101 and any regulations specific to the use contained in this ordinance.

H. APPROVAL WITH CONDITIONS

The Board may, in approving any conditional use application, impose such reasonable restrictions and conditions on such approval, the proposed use and/or the premises to be developed or used pursuant to such approval as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan and this Ordinance, to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, morals and welfare of the Township. All conditions imposed upon any conditional use permit approval, with the exception of conditions made applicable to such approval by the express terms of this article, shall be definitively set forth in the findings and decision granting such conditional use permit.

I. ACKNOWLEDGMENT OF APPROVAL

In the event an application for conditional use is approved, or approved subject to conditions, the Applicant shall acknowledge such approval in writing and unconditionally accept and agree to any and all conditions imposed on the approval within fifteen (15) days of receipt of the decision.

In the event such permit is not approved, or is approved subject to conditions which are not acceptable to the Applicant, the Applicant may (1) appeal such decision to court; or, (2) abandon the application at the expiration of the fifteen (15) day period.

J. COMPLIANCE

Every conditional use permit shall be predicated upon the proposed development or use complying with all requirements of this article, other applicable requirements of the Howe Township Zoning Ordinance, including Section 1110 Performance Standards, the Howe Township Subdivision and Land Development Ordinance, and any other applicable Township Ordinances, State or Federal laws. The violation of any condition of approval shall be considered a violation of this Article, and as such subject to the enforcement remedies of Article 16 of this ordinance.

K. GENERAL USE STANDARDS

No application for a conditional use permit shall be approved unless the Board of Supervisors specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

1. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this article or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice by the Township.
2. The proposed use at the proposed location shall not result in a substantial or undue adverse effect, meaning over and above that which would normally be expected to occur as a result of such development, on any of the following: adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, including emergency services such as police, fire protection or ambulance, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Zoning Ordinance or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice, by the Township or other governmental agency having jurisdiction to guide growth and development.
3. The proposed use in the proposed location shall be adequately served by and shall not impose an undue burden on any existing improvements, facilities, utilities or services. Where any such existing improvements, facilities, utilities or services are not adequate to service the proposed use in the proposed location, the applicant shall as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide for, extend or upgrade such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Zoning Ordinance, and other plans, programs, maps and ordinances adopted by the Township to guide its growth and development.
4. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this article.

L. ADDITIONAL STANDARDS FOR SPECIFIED CONDITIONAL USES

No application for issuance of a conditional use permit shall be approved unless the Planning Commission recommends, and the Board of Supervisors finds, that in addition to complying with each of the general standards listed in Articles 4 through 9 and all other applicable ordinances and regulations, each of the following specific standards - as applicable to the particular use enumerated - are met.

Section 1002: Conditional Use Regulations

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

A. ADULT BUSINESSES

Adult businesses must meet the following requirements:

1. The lot of such business shall not be located within 500 feet of any residence, residential use or

residential zoning district.

2. The lot of such business shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, day-care center or public library.
3. The lot of such business shall not be located within 1,000 feet of another adult-oriented business.
4. No material, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure or that can be seen from the exterior of the building.
5. Any building or structure used and occupied as an adult regulated facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed.
6. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
7. Each and every entrance to the structure shall be posted with a notice of at least four square feet that the use is an adult regulated facility restricting persons under the age of 18 from entrance.
8. No unlawful sexual activity or conduct shall be performed or permitted.
9. The following shall be prohibited: any use or activity prohibited by Section 5903 of the Pennsylvania Crimes Codes as amended and further defining the offense of obscenity, redefining obscene and further providing for injunctions.

B. AGRITAINMENT

1. Applicants must submit a sketch plan/land development plan identifying the location of the agritainment activity, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities (if required) and buffering and landscaping in accordance with Section 1205 of this ordinance.
2. Activities shall be associated with an operating farm.
3. Parking must be in compliance with Article 12. Parking is not permitted in the street right-of-way.
4. A driveway occupancy permit must be approved by the Township for access to Township roads or by the Pennsylvania Department of Transportation for access to state roads as the case may be.
5. Vehicle access shall be so arranged that there will be no need for the motorists to back into streets.
6. If offering food for sale, applicant shall comply with the Pennsylvania Department of Agriculture requirements regarding food preparation and storage. Adequate and appropriate seating and tables, a shelter that is suitable for the season, and a system to deal with trash and food waste shall be provided.
7. Sanitary facilities shall be provided in accordance with PADEP requirements.
8. Signage shall be provided to keep customers within designated areas, and well-maintained pathways shall be maintained for guidance and safety.
9. If open after dark, adequate lighting shall be provided in accordance with Article 14.

10. If open to the public, all facilities (i.e, parking, paths, restrooms, etc.) shall meet the requirements of the Americans with Disabilities Act, latest edition.
11. Hours of operation shall be dependent on the type of activity, but shall not be in operation between the hours of 10 PM and 8 AM.
12. Noise shall comply with Section 1110 Performance Standards.

C. AGRITOURISM

Howe Township understands the importance of sustaining agriculture and the opportunity that agritourism provides to help sustain a family farm. Different from Agritainment, agritourism must be directly related to supporting the primary use of the farm by interpreting the agricultural heritage of the region and providing a distinct farming related experience.

1. Agritoursim related uses include:
 - a. farm markets/roadside stands
 - b. u-pick operations
 - c. ice cream/bakery facilities
 - d. Christmas tree farm/cut your own
 - e. wineries and winery tours and tastings
 - f. local products retail operations (local crafts, food products)
 - g. corn mazes (w/ educational interpretation)
 - h. farm-related interpretive facilities and exhibits
 - i. agriculturally related education and learning experiences
 - j. agriculturally related events/fairs/festivals, on site farm
 - k. on site farm, garden, nursery tours
 - l. farm stays
 - m. bed and breakfast establishments (not including short-term rentals)
 - n. recreation related operations (outfitters/cross country skiing/fishing and hunting facilities/bird watching)
 - o. horseback riding
 - p. others that may be determined on a case by case basis if it meets the purpose and intent of the regulations
2. Agritourism enterprises are only permitted on farms with a minimum lot size of fifteen (15) acres. Farms must be existing and in operation.
3. Applicants must submit a sketch plan/land development plan identifying the location of the agritourism enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities (if required) and buffering and landscaping in accordance with Article 12, Section 1205.
4. Parking must be in compliance with Article 13. Parking is not permitted in the street right-of-way.
5. A driveway occupancy permit must be approved by the Township for access to Township roads or by the Pennsylvania Department of Transportation for access to state roads as the case may be. Sanitary facilities shall be provided in accordance with PADEP requirements.
6. If open to the public, all facilities (ie, parking, paths, restrooms, etc.) shall meet the requirements of the Americans with Disabilities Act, latest edition.

7. All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted to be sold.
8. If a permanent structure is proposed as part of the agritourism enterprise, the maximum size of that structure shall be the same size for structures used in other farm businesses.
9. The maximum permitted size for signs used for the agritourism enterprise shall be in accordance with Section 14.
10. Agritourism enterprises shall not be operated earlier than 8 AM not later than 10 PM. The operating hours for an agritourism enterprise shall be consistent with the operating hours for other, similar business permitted in the Agricultural zoning district, exclusive of actual farm operations.
11. Permit renewals for agritourism enterprises, as with other farm businesses, shall be required on a regularly scheduled basis; inspections by the zoning officer shall be permitted. If the municipality does not require permit renewals and inspections by the Zoning Officer for other farm businesses, these requirements are not applicable.
12. The applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final occupancy permit. Applicants must consult with the Township's building code officer to determine if a building permit is required for any building proposed as part of the agritourism enterprise:
 - a. Pennsylvania Department of Agriculture (Food Handling/Food Service)
 - b. Pennsylvania Department of Environmental Protection (Sanitary Facilities)
 - c. Pennsylvania Liquor Control Board (Wineries)
 - d. Bureau of Alcohol, Tobacco, and Firearms (Wineries), if required.
 - e. Pennsylvania Fish and Boat Commission (Regulated Fishing Lakes)
 - f. Pennsylvania Game Commission (Regulated Hunting Land)
 - g. Pennsylvania Department of Agriculture (Amusement Rides and Attractions)
 - h. Pennsylvania Department of Agriculture (nursery license)
 - i. Pennsylvania Department of Agriculture (petting zoo license)
13. If the activities will involve periodic "Special Events," compliance with the regulations for each activity shall be required.

D. AIRPORT

Airports shall comply with Federal Aviation Administration (FAA) and Pennsylvania Department of Transportation standards.

E. APARTMENT (CONVERSION)

In the R-2 District, any building existing at the effective date of this Ordinance may be converted to a dwelling for more than one (1) family, provided that:

1. The lot area per dwelling unit shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with this Article.
2. There is no exterior evidence of change in the building except as required by state or local building or housing codes or regulations.

3. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
4. Parking shall be provided in accordance with the provisions of Article 12.
5. The plans for the conversion of said building shall be submitted to the Zoning Officer and Building Code Official.

F. AUTO SALVAGE YARD

1. A one hundred (100) percent visual buffer of no less than six (6') feet in height shall be maintained along all outdoor storage areas in accordance with Section 1105.
2. Storage of unregistered cars in a front yard is prohibited.
3. Salvage operations shall be in compliance with all Pennsylvania Department of Environmental Protection regulations.

G. BOARDING OR ROOMING HOUSE

Where permitted, shall comply with the following criteria:

1. Boarding Houses shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance.
2. Not more than 10 persons may occupy the residence at any given time.
3. No more than one family, plus two renters, may live in one house.
4. No more than four (4) unrelated people may live in one house.
5. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
6. Parking shall comply with Article 12.
7. The external appearance of the dwelling shall be consistent with its residential character.
8. Sewer and water facilities shall be sufficient to serve the maximum occupancy of the dwelling.

H. COMMUNICATIONS ANTENNA, BUILDING EQUIPMENT AND/OR TOWER

1. The Applicant shall demonstrate that he/she is licensed by the Federal Communications Commission, if applicable, to operate the proposed communications tower and communications antennas.
2. The Applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building or an existing communications tower. A good faith effort shall require that all owners of potentially suitable buildings or towers within the Township and within one mile of the perimeter of the Township be contacted in writing and that one or more of the following reasons for not selecting such building or tower apply:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the

- existing building or tower and its reinforcement cannot be accomplished at a reasonable cost.
- b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment and the interference cannot be prevented at a reasonable cost.
 - c. The existing buildings or towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. The addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e. A financially reasonable agreement could not be reached with the owners of such buildings or towers.
3. Communications towers shall comply with the following provisions, in addition to other applicable regulations:
- a. Communications towers shall have a minimum yard area equal to the height of the tower, including the antenna.
 - b. Communications towers shall be located a minimum of 500 feet from all residential Zoning Districts, as well as 500 feet from an existing dwelling or a dwelling lot approved by Howe Township as part of a subdivision or land development plan.
 - c. Communications equipment buildings may be established in conjunction with a communications tower and shall conform with regulations for a detached accessory building, if detached or if attached to another accessory building and shall conform to regulations for a principal building if attached to a principal building. Such regulations shall be those of the zoning district in which the communications building is located. Some zoning districts make no regulatory distinction between principal and accessory buildings, in which case the regulatory conditions for all buildings shall be followed.
 - d. Communications towers, including attached antennas, shall be kept to a minimum height needed to function in accordance with industry standards. In no case shall any communications tower exceed a maximum height of 150 feet.
 - e. Any applicant proposing a communications tower shall submit agreements and/or easements necessary to provide access to the tower to confirm that installation and maintenance of the communications tower can be accomplished.
 - f. A minimum of one paved off-street parking space shall be provided on the site on which the communications tower is located in accordance with the provisions of Article 13 of this Ordinance. The parking space shall be in addition to the minimum number of spaces currently required by Article 13 of this Ordinance and for other uses which may exist on the site.
 - g. A fence shall be required around a communications tower and any related guy wires and shall be a minimum of eight feet in height. The fence shall be consistent with Section 1208 of this Ordinance. Gates shall be locked except during such times as the site is manned by operations or maintenance personnel.
 - h. An evergreen screen shall be required on the outside of the fence. The screen shall consist of a row of evergreen trees which shall be planted eight feet on center maximum. The evergreen screen shall be a minimum height of four feet at planting and shall be a species that is expected to grow to a minimum height of 15 feet at maturity. In addition, existing vegetation which would aid in screening on and around the site shall be preserved to the greatest extent possible.
 - i. Communications towers shall be painted a low gloss light gray, light blue or light green color unless other colors are required by Federal Communications Commission or Federal Aviation Administration regulations.
 - j. No sign or lights shall be mounted on or be directed at a communications tower or antenna, except as may be required by the Federal Communications Commission, Federal Aviation Administration, National Electrical Code or other governmental agency which has jurisdiction.
 - k. The applicant shall demonstrate that the proposed antenna and communications tower are safe and the surrounding areas will not be negatively affected by support structure failure,

falling ice or other debris which may become detached from the facility.

- l. All communications towers shall be fitted with anti-climbing devices.
- m. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable local airport zoning overlay district regulations.
- n. Inspection. The owner of a communications tower shall have the tower inspected annually by an expert who is regularly involved in the maintenance, inspection and/or construction of communications towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report shall be provided to the Township annually.
- o. A zoning permit and building permit shall be required to construct a communications antenna, regardless of the cost of such activity.
- p. Any communications tower and an equipment building that is no longer in use for its approved purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of any notice to the Federal Communications Commission of intent to cease operations. If the facility remains unused for a period of six consecutive months, the owner of the communications tower and equipment buildings and/or the property owner of record of the property on which the facilities are located shall, within a maximum of 90 days after the end of the six month period, remove the communications tower, equipment building and any accessory uses. In the case of multiple operations sharing the use of a single communications tower, this provision shall not become effective until all users cease operations.
- q. The owner of the facilities and the property owner of record shall sign an acknowledgment of their obligation to remove unused facilities as required by Subsection 1102.H.p prior to the issuance of the zoning permit and building permit required by Section 1704.

I. DATA CENTER & DATA CENTER ACCESSORY USES

1. Lot Area Requirements:

Data Centers shall not be proposed on any lot less than fifty (50) acres in size.

2. Minimum Setback Requirements:

The following minimum setback standards are required for all Data Centers. These requirements supersede the requirements of the underlying zoning district.

Yard	Setback from nonresidential uses or districts	Setback from residential uses or districts
Front	100 feet	300 feet
Side	60 feet	300 feet
Rear	100 feet	300 feet
Interior Setbacks		
Building to Building	50 feet	

3. Street Frontage:

The minimum street frontage shall be determined based on the requirements in the underlying zoning district.

4. Lot Coverage:

The maximum lot coverage shall be determined based on the requirements in the underlying zoning district.

5. Height Limitations:

The maximum building height shall be determined based on the requirements in the underlying zoning district.

6. Screening:

All screening shall be in accordance with Section 1105 of the Howe Township Zoning Ordinance and the following requirements:

a. Location and Screening of Mechanical Equipment: All ground level and roof top mechanical equipment shall meet the following standards in addition to those required by Section 1105 of the Howe Township Zoning Ordinance:

i. Mechanical and electrical equipment shall be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal facade of the building.

ii. Perforation for Ventilated Screening: Screening for mechanical and electrical equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of mechanical equipment.

b. Height of Screening of Principal and Accessory Structures:

Vegetative screening shall be selected based on mature plant heights in relation to the height of the principal or accessory structure and separation distance to provide full screening of the use. A plan prepared by a Registered Landscape Architect and sealed by a Registered Professional Engineer shall be submitted with Conditional Use application.

c. Composition of Screening:

Vegetated earth berms with a minimum height of 5 feet shall be incorporated into the screening design.

d. Truck loading and/or maneuvering areas and dock doors shall not face a residential use or district or a public street.

7. Buffer Yard:

A buffer yard of 100 feet shall be required between parking areas and other accessory uses as measured to adjacent residential uses. Vegetative screening shall be placed in the buffer yard and include a minimum of two rows of dense screen of evergreen and deciduous trees having a minimum height of six feet, and a berm or other sound attenuation facilities.

8. Noise:

In addition to the standards of Section 1110 of the Howe Township Zoning Ordinance, Data Centers shall comply with the following regulations:

Noise generated by mechanical equipment (including dedicated/private owned energy producing facilities) at the property line shall not exceed the greater of 55 dBA or preexisting noise levels as determined by an ambient noise study conducted by the applicant.

a. Maximum sound levels listed above shall apply in all conditions, including full operation of HVAC systems and generators during an "emergency" i.e. power outage.

b. Mechanical and electrical equipment, whether on a roof top, on the ground level, or elsewhere on the exterior of the lot abutting a lot with an existing residential use or within a

residential district, must be screened on all four (4) sides by an acoustical barrier. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.

- c. Generators, cooling fans, mechanical equipment, and other noise generating Data Center components shall be oriented to minimize noise levels on adjoining residential uses or districts.

9. Lighting:

Shall comply with Section 1208 of the Howe Township Zoning Ordinance.

10. Energy:

Data Center applicants shall provide the following information demonstrating that adequate energy is available for the project:

- a. Interconnection agreement from the electric service provider indicating that capacity is available and the Data Center will be served.
- b. Total energy needed for the project, including on site generation and energy transmitted by the public utility.
- c. An assessment of projected impacts to utility service and rates for neighboring community, with proposed mitigation strategies if potential negative impacts are identified. The Developer shall implement the identified mitigation strategies to offset any rate increases.
- d. All electric lines serving the facility shall be placed underground.

Applicants shall consider the use of renewable energy resources and future technologies such as small modular reactors wherever feasible.

Provisions for emergency backup power and cooling systems shall be integrated into the facility design, and all emergency systems must comply with fire safety and emergency response standards as specified by local building and fire codes.

11. Water and Wastewater:

- a. Data Centers shall connect to and utilize public water and wastewater systems. Applicants shall provide will serve letters from the applicable wastewater and water suppliers.
- b. Data Centers shall utilize air cooled or closed loop mechanical cooling equipment to minimize water usage demand. Advanced or water conserving cooling systems may be considered on a case by case basis.
- c. All Data Centers meeting the water usage thresholds listed below require approval of the Susquehanna River Basin Commission (SRBC) prior to Township approval. Applicants must provide SRBC's approval letter and any accompanying permit documentation prior to township approval.
 - i. Water withdrawals of 100,000 gallons per day or more over a 30-day average individually or in combination with other withdrawals.
 - ii. Consumptive water use (water used, but not returned to the Susquehanna River Basin) of 20,000 gallons per day or more over a 30-day average.
- d. A water supply study for projects that propose using private water supplies and/or do not

meet the SRBC review threshold is required. The water supply study shall be prepared by a qualified hydrogeology professional and include the following:

- i. Proposed water source(s) and estimated supply levels.
 - ii. Justification that the project necessitates use of a private water supply and that other less-water intensive designs are not feasible.
 - iii. Estimated water demand for the facility, including peak and average daily use, and proposed water consumptive use volumes.
 - iv. Water conservation measures to be utilized.
 - v. Proposed method of wastewater treatment and discharge.
 - vi. Studies that prove installation of private waters supplies will not endanger or adversely decrease the groundwater supplies to adjacent properties within one mile of the property.
 - vii. Evaluation of groundwater withdrawals in areas with Karst geology.
- e. Projects proposing wastewater discharge to surface waters of the Commonwealth must provide documentation of Pennsylvania Department of Environmental Protection approval.

12. Emergency Management and Response:

- a. Owners of the Data Center shall submit an Emergency Response Plan (ERP) that must be prepared by a qualified professional and reviewed by the Township's Fire Chief. The plan shall include:
 - i. The name, address and telephone number of a 24-hour local emergency contact
 - ii. Include detailed procedures for fire suppression, containment, ventilation, and evacuation
 - iii. An evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site
 - iv. Specialized training needs to ensure that all first responders receive adequate training specific to the installed systems, including energy storage facilities
 - v. Provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center
- b. A note shall be added to the land development plan that states, "Howe Township shall not assume liability for the adequacy of the ERP and reserves the right to require additional documentation or certifications to confirm compliance with national standards."

13. Decommissioning:

- a. A decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose, shall be provided by the applicant. The decommissioning plan shall include, but is not limited to:
 - i. A. Financial assurance in the form of a bond, A parent company guarantee, and/or an irrevocable letter of credit, or cash, to be determined by the applicant
 - (1) The amount of the financial assurance shall not be less than the estimated cost of

decommissioning the facility, after deducting salvage or recycling value;

- (2) The amount of financial assurance shall be calculated by a third party with expertise in decommissioning, hired by the applicant and reviewed by the county engineer.
 - (3) In no event shall the security be less than 125% of the estimated cost of decommissioning.
 - (4) The owner shall provide a new estimate of the cost of decommissioning every five years thereafter and increase its security if the cost increases.
 - (5) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- b. An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling and/ or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned.

J. FREIGHT AND TRUCKING TERMINALS

Truck stops or motor freight terminals shall comply with the following criteria:

1. The subject property shall have a minimum of three hundred feet (300') of road frontage along an arterial road as identified in the Comprehensive Plan.
2. The subject property shall be located no closer than five hundred feet (500') from the R1, R2, and R3 Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home.
3. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line.
4. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.
5. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
6. Trash receptacles shall be provided amid off-street parking areas and shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant.
7. All uses involving drive-through restaurant and/or drive-through vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.

8. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
9. The outdoor storage of unlicensed vehicles is prohibited.
10. All vehicles and machinery shall be repaired and removed from the premises promptly.
11. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival.
12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
13. A Traffic Impact Report shall be prepared by a professional traffic engineer, according to the requirements of the Subdivision and Land Development Ordinance.
14. The Applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
15. Lighting shall be in accordance with Section 14.

K. GOLF COURSES AND COUNTRY CLUBS

Where permitted, the following standards shall also apply:

1. A minimum of one-hundred (100) acres shall be provided.
2. No building or structure shall be located closer than seventy-five (75') from a side or rear lot line.
3. At least seventy (70) percent of the lot area shall be maintained with a vegetative cover.
4. The maximum impervious surface shall not exceed twenty (20) percent of the gross lot area.

L. GROUP CARE FACILITY/GROUP DAY CARE HOME

1. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
2. Parking shall comply with Article 12.
3. The external appearance of the dwelling shall be consistent with its residential character.
4. Sewer and water facilities shall be sufficient to serve the maximum occupancy of the dwelling.

M. HEAD SHOP OR MEDICAL MARIJUANA DISPENSARY

Head Shops and Medical Marijuana Dispensaries must meet the following requirements:

1. The lot of such business shall not be located within 500 feet of any residence, residential use or residential zoning district.

2. The lot of such business shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, day-care center or public library.
3. The lot of such business shall not be located within 1,000 feet of another head shop or dispensary.

N. HELIPORT

Heliports shall comply with Federal Aviation Administration (FAA) and Pennsylvania Department of Transportation standards.

1. The heliport shall be located a minimum of 1,000 feet from any dwelling unit.
2. The Board of Supervisors shall find that the heliport will not be detrimental to the use or development of or change the essential character of any area of this or surrounding municipalities.
3. The applicant shall demonstrate that adequate off-street parking and loading and unloading facilities will be provided to meet the needs of the proposed use.
4. The Board of Supervisors shall find that the use would not adversely affect the health or safety of persons in or surrounding Howe Township.
5. The Applicant shall demonstrate that there is a public or private need for such a facility in Howe Township.

O. HOME OCCUPATION

Where permitted, home occupations may be established subject to the following conditions:

1. The home occupation shall be carried on completely within the dwelling unit or accessory building.
2. The conduct of the home occupation shall be limited to the homeowner-operator and not more than one (1) additional employee.
3. Not more than forty (40%) percent of the floor area of a main building shall be devoted to a home occupation.
4. Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty-five (25%) percent of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted.
5. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
6. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
7. A home occupation may include, but is not limited to, art studios; dressmaking or millinery; barbershop; beauty parlor; teaching, music or dance instruction limited to a single pupil at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer,

planner, accountant, architect; or any other activities of a similar nature.

8. A home occupation shall not, under any circumstances, be interpreted to include a commercial stable or a dog kennel.

P. INCINERATOR

Incinerators shall be subject to the following regulations:

1. A certified incinerator shall be permitted only when it is necessary to accommodate the solid waste management needs of the area which it is intended to serve.
2. A certified incinerator shall have the following dimensions:
 - a. The incinerator shall have a firebox or charging compartment of not over 10 bushels or approximately 12 square feet in capacity.
 - b. The incinerator shall be provided with a chimney extending not less than 10 feet above grade and shall be equipped with a spark arrestor.
 - c. The incinerator should be constructed to withstand internal temperatures of at least 1,200° F. in intermittent operation and to provide resistance to alternate heating and cooling. The design should be such that during a period of at least two years of normal usage the structural parts will not warp, crack, corrode, or otherwise fail in a manner so that doors or covers do not fit tightly or that masonry cracks or other openings are produced through which flying brands or sparks may pass.
3. Location.
 - a. The incinerator is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
 - b. The incinerator shall not be located within 50 feet of any building or structure and generally should be positioned so that there is not direct exposure to buildings, wood fences, or piled combustible materials in the event of failure of the spark arrestor. The incinerator shall be located so that a nuisance is not created by reason of their smoke.

Q. KENNEL

1. Minimum lot area – two (2) acres
2. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear of the premises, and shall be a minimum of one hundred feet (100') from all property lines.
3. A buffer yard/screen planting shall be maintained along all property lines abutting a residential use or district in accordance with the Howe Township Subdivision and Land Development Ordinance.
4. All outdoor recreation areas for animals shall be enclosed to prevent the escape of animals; all such enclosures shall be set back a minimum of one hundred feet (200') from all property lines.
5. The applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented.

6. The Applicant must demonstrate compliance with all State requirements. All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part 11, Chapter 21, entitled "General Provisions; Kennels; Licensure; Dog-Caused Damages," as amended.

R. LANDFILL

Landfills (including municipal waste landfills) shall be subject to the following regulations:

1. No land area on a lot or land parcel in excess of 100 square feet or any water body shall be used beyond seven days as a storage area disposal site or refuse and collection area, for any organic or nonorganic material within any Zoning District unless specifically permitted and in accordance with Pennsylvania Act 97 of 1980, known as the "Solid Waste Management Act,"[1] and the Rules and Regulations of the Bureau of Solid Waste Management, Pennsylvania Department of Environmental Protection, and the following conditions shall also apply:
 - a. The site is located a minimum of 200 feet from an adjoining residential structure or a R-1, R-2, or R-3 Zoning District, and a minimum of 50 feet from any public road or right-of-way. Such set-back area shall be kept free of weed and scrub growth unless the adjoining property is wooded.
 - b. The yard or storage area shall be completely enclosed with a visual screen as provided in Section 1105.
 - c. All material within the yard or storage area shall be arranged so as to permit access by firefighting equipment, to prevent the accumulation of water, and store material no more than six feet in height unless enclosed within a structure or building.
 - d. The yards and storage areas shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds, vibrations, or odors, nor to cause the breeding or harboring of pests, rodents, or other vectors.
 - e. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
 - f. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
 - g. Off-street parking shall be provided within the site enclosure and shall be enclosed within the site's visual screening.
 - h. All required Pennsylvania Department of Environmental Protection permits shall be acquired.

S. MANUFACTURED/MOBILE HOMES (OTHER THAN IN MOBILE HOME PARKS)

A mobile home shall be permitted to be used as a single-family detached dwelling in all residential districts subject to the following:

1. Only one manufactured/mobile home is permitted on a lot and each such home lot shall conform to residential standards for dwelling in the district in which it is located.
2. A home shall meet the minimum habitable floor area requirements of a single-family detached

dwelling as well as standards set forth by the Commonwealth of Pennsylvania.

3. The wheels and axles shall be removed and the home shall be installed on and securely fastened to a frost-free foundation or footer. In no event shall it be erected on jacks, loose blocks or other temporary materials.
4. An enclosure (skirt) of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

T. MANUFACTURED/MOBILE HOME PARKS

Such parks shall be allowed by the Board of Supervisors in districts where permitted as set forth in the Mobile Home Park Regulations of the Howe Township Subdivision and Land Development Ordinance.

U. MANUFACTURING FACILITY

1. Unloading of raw materials and loading of products shall be done on the property and not within a public right-of-way.
2. Manufacturing operation shall comply with all Commonwealth of Pennsylvania Environmental Protection regulations.
3. Outdoor operations shall be performed in the side or rear yard, and they shall be screened in accordance with Section 1105 if located adjacent to a residential use.
4. Lighting shall comply with Article 14.

V. MASSAGE THERAPIST

A facility providing massage therapy services shall be limited to the following:

1. The treatment of any person within the office of a massage therapist licensed in the state of Pennsylvania.
2. The requirements of this provision shall not apply to treatments given in the residence of a patient.
3. The massage of, or physical contact with, the sexual or genital parts of one person by any other person is strictly prohibited.

W. RACE TRACK

1. Private race tracks shall:
 - a. be for the sole use of the property owner, his/her family and friends of the family
 - b. not charge a membership, periodic or daily use fee for the use of the track
 - c. comply with State and Federal regulations relative to stormwater management, and erosion control
 - d. shall obtain Land Development approval from the Howe Township Supervisors prior to development of a track
 - e. be set back two hundred (200) feet from any residential use, other than the owner's residence
 - f. be setback one hundred (100) feet from any public right-of-way
 - g. comply with the following hours of operation:
 - i. between the prevailing times of 8AM and sunset (Monday through Saturday)

- ii. between the prevailing times of noon and sunset (Sunday)
 - iii. shall not exceed three (3) consecutive hours without a one (1) hour break before resuming operation
 - h. comply with Performance Standards as set forth in Section 1110
2. Indoor Public race tracks shall:
- a. comply with Performance Standards as set forth in Section 1110
 - b. comply with the Howe Township Building Code
 - c. meet parking requirements set forth in Article 12
 - d. comply with EPA and PADEP Air Quality regulations
3. When Outdoors shall:
- a. comply with Performance Standards as set forth in Section 1110
 - b. meet parking requirements set forth in Article 12
 - c. comply with EPA and PADEP Air Quality regulations
 - d. be set back one hundred (100) feet from any public right-of-way.
 - e. be set back one hundred (100) feet from side and rear property lines
 - f. be set back two hundred (200) feet from any residence
 - g. comply with the following hours of operation:
 - i. between the prevailing times of 8AM and sunset (Monday through Saturday)
 - ii. between the prevailing times of noon and sunset (Sunday)
 - iii. shall not exceed three (3) consecutive hours without a one (1) hour break before resuming operation

X. RECYCLING FACILITY

- 1. All recyclable materials shall be stored in receptacles or within a Howe Township Building Code compliant on-site building.
- 2. Temporary stockpiling of collected materials is permitted if materials are stored in a receptacle or building by the close of each business day, and any such stockpiling is screened from view.
- 3. Landscaping buffering/screening shall be provided in accordance with Section 1105.
- 4. Signage shall comply with Article 14. Banners and signs attached to a fence are prohibited.
- 5. Screen fencing shall be provided to screen the operation from a public street or right-of-way. The fencing shall be a minimum of six (6) feet and a maximum of eight (8) feet in height and shall be of the following materials; vinyl-coated chain link fence with vinyl slats, or other material as may be approved by the Howe Township Supervisors.
- 6. Operating hours shall not exceed 8:00AM to 6:00PM.
- 7. Lighting shall be in accordance with Section 14.
- 8. The name, telephone number of the operator, and hours of operation shall be clearly posted, and a notice that no materials shall be left outside collection receptacles.

Y. RIDING ACADEMY

1. Any structure used for the boarding of horses shall be set back at least 200 feet from any property line.
2. All stables shall be maintained so to minimize odors perceptible at the property line.
3. All outdoor training or show facilities or areas shall be setback 100 feet from all property lines.
4. All outdoor training, show, riding or boarding areas shall be enclosed by a minimum four-foot-high fence, which will be located at least 10 feet from all property lines.
5. All parking lots and unimproved overflow parking areas shall be set back at least 10 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking environment or movement of vehicles across neighboring properties.

Z. SHOPPING CENTER CONVERSION

1. Shall meet all Zoning requirements for the proposed use following conversion.
2. Parking shall comply with the requirements of Article 13 for the proposed use following conversion.

AA. WAREHOUSE/DISTRIBUTION CENTER

Shall meet all requirements of the Howe Township Warehouse/Distribution Center Ordinance.

1. Access and Parking

a. Road Access

The use shall have direct access to a road that meets the design requirements of an arterial or collector road, as defined in Section 202 of the Howe Township Subdivision and Land Development Ordinance.

b. Queuing Space

Where gates, guard shacks or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.

c. Off-Street Parking

In addition to off-street loading facilities, each use shall provide a minimum of one (1) passenger vehicle parking space per employee on the largest shift.

d. Transit

Efforts should be made to connect these facilities to existing public transit systems. Where transit lines exist along the frontage of the property, transit shelters should be provided.

2. Spaces for Tractor Trailers

A minimum of one (1) tractor-trailer space measuring at least 14 feet wide by 74 feet long shall be located at each loading dock/bay. In addition to the required spaces for each loading dock/bay, "stacking/storage" spaces for tractor-trailers measuring at least 14 feet wide by 74 feet long in an amount greater than or equal to 10% of the number of loading docks/bays for the stacking/storage of tractor-trailers shall be provided (fractions of spaces shall be rounded up). The parking and stacking design shall provide adequate area/spaces for the parking and stacking of tractor-trailers that are awaiting entry to the loading/unloading area to prevent the backup of tractor-trailers and other vehicles onto public streets. All loading and stacking/storage spaces shall be directly accessible by adequately sized drive isles.

3. Sound/Noise

a. CNEI

- i The Community Noise Equivalent Level (CNEI) at the boundary of the property containing a sensitive receptor, shall not exceed 60 dBA.
 - ii The CNEI at the boundary of any developed property not containing a sensitive receptor shall not exceed 70 dBA.
 - iii Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.
- b. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.

4. Lighting

a. Horizontal Surfaces

For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

b. Non-Horizontal Surfaces

For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

c. Adjacent Residential Uses

The illumination projected onto a residential use shall at no time exceed 0.1 footcandles, measured line-of-sight and from any point on the receiving residential property.

d. Adjacent Non-Residential Uses

The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandles, measured line-of-sight from any point on the receiving property.

e. Glare

Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

f. Luminaires

Luminaires shall not be mounted more than 20 feet above finished grade of the surface being illuminated.

g. Subdivision and Land Development

All lighting shall also comply with applicable requirements of the Howe Township Subdivision and Land Development Ordinance.

5. Buffer Yard

a. Where the combined footprint of the principal structure or structures, not including parking areas, is less than 100,000 square feet:

- i A minimum 100-foot buffer yard shall be provided along the entire length of any street frontage of any property upon which the facility is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
- ii A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.

b. Where the combined footprint of the principal structure or structures, not including parking areas, is between 100,000 square feet and 250,000 square feet:

- i A minimum 150-foot buffer yard shall be provided along the entire length of any street frontage of any property upon which the facility is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
- ii A minimum 50-foot buffer yard shall be provided along all other property lines.

c. Where the combined footprint of the principal structure or structures, not including parking areas, exceeds 250,000 square feet:

- i A minimum 300-foot buffer yard shall be provided along the entire length of any street frontage of any property upon which the facility is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
- ii A minimum 50-foot buffer yard shall be provided along all other property lines.

d. The buffer yard shall include a dense landscape buffer consisting of the following:

- i One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright

evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.

- ii One (1) canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
 - iii One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
 - iv Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.
- e. The landscape buffer shall be located along the outer edge of the buffer yard.

6. Environmental and Community Impact Analysis

Prior to the commencement of the conditional use hearing, the Applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

- a. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
- b. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
- c. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- d. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - i Emergency services and fire protection,
 - ii Water supply,
 - iii Sewage disposal,
 - iv Solid waste disposal,
 - v School facilities and school district budget, and
 - vi Municipal revenues and expenses.
- e. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

7. Traffic Impact Study

A Traffic Impact Study (TIS) is required. Refer to Section 419 of the Howe Township Subdivision and Land Development Ordinance.

8. Truck Terminal/Distribution Center/Fulfillment Center

The following requirements apply specifically to Truck Terminal/Distribution Centers/Fulfillment Centers:

a Minimum Lot Area

The minimum required lot area for a Truck Terminal/Distribution Center/Fulfillment Center is ten (10) acres.

b Minimum Distance in Feet from any adjoining residential lot line. The minimum distance in feet from any adjacent residential lot line to any entrance for trucks, loading/unloading area, structures, outdoor storage, or truck parking area is 150 feet.

c Main Access Points

The facility shall have its main access point(s) within two (2) miles of at least one (1) ramp of a limited access highway.

9. Warehouse/Logistics Center

The following requirements apply specifically to Warehouse/Logistics Centers:

a Minimum Lot Area

i The minimum lot area for a Small Warehouse/Logistics Center shall be two (2) acres.

ii The minimum lot area for a Large Warehouse/Logistics Center having a gross floor area less than or equal to 100,000 square feet shall be five (5) acres.

iii The minimum lot area for a Large Warehouse/Logistics Center having a gross floor area greater than 100,000 square feet shall be ten (10) acres.

Section 1003: Supplemental Regulations for Permitted Uses

In addition to the standards provided for in Articles 3-10, the following criteria shall apply to the specific uses:

A. ANIMALS AND POULTRY

In districts where permitted, other than the A District, operations involving the use of buildings and land for farming, nurseries and greenhouses, dog kennels, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:

1. Buildings in which animals or poultry are kept shall not hereafter be erected within fifty (50') feet from any property line.
2. Storage of manure or odor or dust-producing substances shall not be permitted within fifty (50') feet from any property line.

B. AUTOMOBILE SERVICE STATIONS AND OTHER DRIVE-IN TYPE USES

Such uses, where permitted, shall comply with the following:

1. No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:
 - a. Within five hundred (500') feet of a street entrance or exit of any school, park or playground conducted for and attended by children and of any hospital, nursing home, library, or church.
 - b. Within one-hundred (100') feet of a lot in a residential district as established in this Ordinance.
2. No equipment for the service of motor vehicles shall be closer than twenty-five (25') feet to any property line or street line.
3. Canopies shall be located no less than ten (10') feet from the right-of-way line.
4. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within twenty-five (25') feet of each other at their intersection with the curb or street line.
5. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.

C. BED AND BREAKFAST

Where permitted, shall comply with the following criteria:

1. Bed & Breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance.
2. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets. All parking shall comply with Article 12.
3. The landowner/operator shall reside in the single-family dwelling where the Bed & Breakfast is operated.
4. The external appearance of the dwelling shall be consistent with its residential character.
5. A Bed & Breakfast may erect one sign in compliance with Article 13
6. Not more than 10 persons may occupy the residence at any given time.
7. Meals shall only be provided for overnight guests staying at the establishment.
8. Sewer and water facilities shall be sufficient to serve the maximum occupancy of the dwelling.

D. CHURCHES, SCHOOLS, AND OTHER PUBLIC BUILDINGS

In districts where permitted, these uses shall meet the following requirements:

1. The lot area shall not be less than the minimum lot area permitted by the zoning district in which it is located.

2. Lot coverage shall not be greater than forty (40%) percent of lot `area.
3. Width Regulations. The lot width shall not be less than one hundred (100') feet.
4. Yard Regulations. Each lot shall have yards not less than the following depths or widths:
 - a. Front yard depth, thirty (30') feet.
 - b. Side yard – Two (2) in number, width, not less than twenty (20') feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than thirty (30') feet in width.
 - c. Rear yard depth, thirty (30') feet.
5. A buffer yard/screen planting of no less than five (5') feet in depth shall be maintained along all property lines and shall be placed in accordance with Section 1105 contained in this Article.
6. Off-Street Parking. Parking shall be provided in accordance with the provisions of Article 12.

E. CLUBS, LODGES, AND FRATERNAL ORGANIZATIONS

Where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A planted buffer no less than five (5') feet in depth shall be maintained along all property lines abutting a residential use.

F. COMMERCIAL GREENHOUSES AND NURSERIES

Where permitted, these uses may be established subject to the following:

1. A minimum lot area of 20,000 square feet, or greater as may be required in the District in which it is located.
2. No structure may be located closer than forty (40') feet to a side or rear property line, unless greater setbacks are required in the District in which it is located.
3. A buffer yard/screen planting of no less than five (5') feet in depth shall be maintained along all property lines abutting a residential use.
4. Greenhouse heating plants which are not contained within the structure they serve may be located to the side or rear of any main building, but not in the required side or rear yard, provided that the heating plant is not hazardous to others and does not create noise, dirt or heat flows of objectionable amounts or intensities or in violation of Section 1105 of this Ordinance.
5. A greenhouse operated for noncommercial purposes shall be considered as an accessory structure and shall comply with all applicable district provisions.

G. CONTAINMENT OF LARGE PETS AND LIVESTOCK

Such animals may be permitted when associated with a single-family residential use provided that:

1. Such animals are owned by the landowner, or property lessee with written permission of the landowner.

2. The location and use of such animals on the property, unless otherwise permitted by this Ordinance, is not for commercial purposes.
3. On properties of less than five (5) acres, open pasture area (in addition to the minimum lot area required for the residential use) having a minimum of one and one-half (1 ½) acres shall be set aside for the following:

1 equine (horse) per 1 acre, or 1 bovine (cattle) per 1 acre
And a minimum open pasture area of one-half (1/2) acre for the following:

1-3 ovine (sheep) per one-half acre or 1-3 caprine (goat) per one-half acre, or 1-20 fowl or poultry per one-half acre
4. The pasture area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.
5. The storage of manure and location of animal shelter shall be located within the pasture area and no closer than fifty (50") feet from any property line.

H. FOOD TRUCKS

1. Mobile food peddlers shall not occupy a stationary location on any public sidewalk, street, or right-of-way, nor shall they conduct business through a window or over a counter which extends into a roadway laned for vehicle traffic. There shall be no interference with or blocking the movement of any pedestrians or vehicles by the mobile food peddler.
 - a. Mobile food peddlers shall not remain in a stationary (nonmoving) location at any time to solicit sales on any street within the Township except when an actual sale is taking place. All sales shall be conducted from the street and along the curb. Mobile food peddlers shall be prohibited from parking on any public sidewalk or right-of-way within the Township.
 - b. Mobile food peddlers shall not make or cause to be made any loud noise to attract attention except for an initial identifiable repetitive jingle to announce the vehicle arrival and location. Generators shall be permitted provided that they are equipped with the manufacturer's specified exhaust muffler.
 - c. Signage concerning menus and other advertisements associated with a mobile food peddler shall be limited to the length of the vehicle times two square feet and shall be located on the vehicle. Sandwich board, hand billing or other advertisements are prohibited. Additional advertisement on top of a vehicle shall be limited to one sign, a maximum length of the vehicle, and shall extend no higher than two feet above the main portion of the vehicle roof. No sign attached to a vehicle is permitted to hang over or protrude onto any public sidewalk, street, alley, or right-of-way within the Borough. No sign shall move by electronic or mechanical means, flash or include moving illumination. No sign shall be permitted which is determined to be a hazard to public safety.
2. Mobile food peddlers may operate on private property within the Township under the following conditions:
 - a. Written permission shall be obtained from the property owner and/or the property lessee. Proof shall be provided to the Township.
 - b. A zoning permit shall be required prior to operation on any privately owned property should a mobile food peddler use the location for retail sales for seven or more consecutive days or a

lease is established with the property owner. At no time shall a mobile food peddler occupy space on a privately owned property for a period of time longer than three (3) months.

- c. The mobile food peddler shall be fully contained within the property of the owner granting permission and shall not extend or operate on any portion of a public sidewalk, street, alley or other public property or right-of-way.
 - d. Signage concerning menus and other advertisements associated with a mobile food peddler shall be limited to the length of the vehicle times two square feet and shall be located on the vehicle.
 - e. No sign attached to a vehicle is permitted to hang over or protrude onto any public sidewalk, street, alley, or right-of-way within the Borough.
- 3. ServSafe Food Handler On Duty. Each mobile food peddler selling items used for human consumption shall have, within their employ and prior to operation, at least one ServSafe Certified Food Handler employee who is available and with the unit at all times or available by phone. Mobile food peddlers that sell only commercially pre-packaged, or non-potentially hazardous food shall be exempt from this requirement.
 - 4. Used Cooking Grease and Wastewater Disposal. Each mobile food peddler shall be responsible for the proper disposal of used cooking grease and wastewater (if applicable) and shall have a company under contract to comply with the terms of this Section.
 - 5. Each mobile food peddler shall be responsible for the daily cleanup of any refuse or litter which may be deposited by the operator or clientele in their area of operation.

I. GARDEN APARTMENTS

Where permitted, all garden apartments shall comply with the following:

- 1. There shall be not more than ten (10) dwelling units per building.
- 2. No garden apartment building shall be in excess of two (2) stories in height.
- 3. Lot area per dwelling unit shall comply with the area required by the applicable district regulations when served by both public water and sanitary sewers.
- 4. All applicable provisions of this Ordinance.

J. HOTEL/MOTEL

In districts where permitted, motels/hotels shall be subject to the following safeguards and regulations:

- 1. Where one (1) or more buildings are proposed, as a land development, a plat shall be prepared and submitted in accordance with the requirements of the Howe Township Subdivision and Land Development Ordinance.
- 2. Hotels/motels shall be connected to a public sanitary sewer and water supply where feasible or a sanitary sewerage collection and treatment system and water supply approved by the Department of Environmental Resources.
- 3. Front, side and rear yards of the hotel/motel shall be permanently landscaped and maintained in good condition.

4. Off-street parking and loading spaces for other facilities developed as part of the hotel/motel premises shall be provided as required by Article 12 of this Ordinance.
5. Every unit shall be provided with running hot and cold water and separate toilet facilities.
6. Hotel/Motel buildings or parts thereof shall be placed no closer than thirty (30') feet to any lot line.
7. The space between hotel/motel buildings shall be not less than twenty (20') feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.
8. Maximum building height shall not exceed sixty (60) feet.

K. MUNICIPAL USES

In any district, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation and municipal authority uses.

L. NO-IMPACT HOME-BASED BUSINESS

In any district, a No-Impact Home Based Business is permitted, provided that they comply with the following:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

M. OUTDOOR WOOD BURNERS

1. Equipment shall comply with EPA New Source Performance Standards (NSPS) for residential wood heaters, under Section 111 of the Clean Air Act, adopted February 3, 2015, as may be subsequently revised.
2. Wood Burners shall comply with Section 1110. Performance Standards

N. PRIVATE SWIMMING POOLS

Private pools may be erected as an accessory use in any district, provided they comply with the following:

1. The pool is used solely for the enjoyment of the occupants of the principal building use of the property on which it is located, including guests.
2. The pool structure, including perimeter walkway, shall not be located closer than ten (10') feet from any side or rear property line; nor closer to any street than the building line or the minimum building setback line permitted for the District in which it is located, whichever is greater.
3. All permanent swimming pools hereafter constructed, shall be enclosed by a permanent fence of durable material at least four (4') feet in height and shall be so constructed as not to have openings, mesh or gaps larger than four (4) square inches in any direction, and if a picket fence is erected or maintained the horizontal dimension shall not exceed four (4") inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use. Fences shall be not be located closer than five (5) feet from and side or rear property line nor closer to any street than the building line or the minimum building setback line permitted for the District in which it is located, whichever is greater
4. A dwelling or accessory building may be considered as part of the fence required under this section. However, the height requirements for a fence shall not apply to the building height for a dwelling or accessory building shall be as set forth for the applicable district.
5. The provisions regulating fencing shall not apply to pools having sides extending four (4) feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
6. Private pools shall not be connected to a sanitary sewerage system and all waters from the pool shall be discharged in such a manner that neither a stream, waters of the Commonwealth, nor or another person's property is damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the governing body.
7. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.

O. PUBLIC UTILITY FACILITIES

Public utility facilities shall be permitted in any district without regard to the use and area regulations provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

1. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
2. Height restrictions shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed within a chain link fence at least six (6') feet in height topped with barbed wire.
4. Housed equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.

5. Screen planting in Residential and Commercial Districts shall be completed in accordance with Section 1105.
6. The external design of the building shall be in conformity with the buildings in the district.

P. RENEWABLE ENERGY RESOURCES

Solar

1. Building mounted systems are permitted as an Accessory Use in any district.
2. Building-mounted systems are permitted to face any rear, side and front yard. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
3. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.
4. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the property line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
5. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a sloped roof that faces the front yard of a property, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
 - b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - c. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
 - d. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.
6. Building-mounted systems on a sloped roof shall not be required to be screened. Ground-mounted systems that are designed in such a manner that the solar panels follow the path of the sun shall be screened as outlined in Section 1105.
7. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.
8. Non-conforming buildings/lots:
 - a. If a building-mounted system is to be installed on any building or structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance.

- b. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.
 - c. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.
- 9. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
 - 10. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

Wind – See “Wind Energy Conversion Systems”

Q. RESTAURANT (OUTDOOR DINING)

- 1. Outdoor dining shall be permitted as an accessory use where restaurants are permitted.
- 2. The area designated and used for outdoor dining shall comply with all other zoning requirements such as yards, building setbacks, impervious surface ratio, and setbacks from parking areas
- 3. The outdoor dining area shall not infringe on any public sidewalk, or encroach upon required green space or parking areas; and shall be physically separated from the above by any combination of railing, fence, deck, planting boxes, or natural vegetation.
- 4. Where parking spaces abut and are perpendicular to paved walkways the design shall provide for placement of bollards spaced five feet on center, a minimum of 16 inches from the front face of the curb, edge of parking space across the width of all the parking spaces.
- 5. Outdoor service and music shall end no later than 11: 00 P.M., and there shall be no amplified music outdoors.
- 6. Only tables, chairs, umbrellas, stations for condiments and silverware, and containers for the disposal or recyclable cans/bottles and garbage shall be permitted within any outdoor dining area.
- 7. Refuse facilities shall be provided.

R. RESTAURANT (TAKE-OUT ONLY)

- 1. No provisions for onsite dining shall be provided.
- 2. All curbside pickup parking spaces shall not interfere with fire lanes.

S. SHOOTING RANGE (INDOOR/OUTDOOR)

1. Ranges for the purpose of law enforcement training are permitted from 8 AM prevailing time, until sunset Monday through Saturday and from 12 noon to sunset on Sunday.
2. Public ranges for use by the general public shall be owned and operated by a public entity such as the Pennsylvania Game Commission. Rifle and handgun ranges may be open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset on Sunday, or unless otherwise posted (not to exceed prior times) or regulated by the Pennsylvania Game Commission.
3. Private ranges for use by members of a club or a commercial entity shall be subject to the following:
 - a. Ranges shall be constructed in a safe manner that will not cause harm to those using the facility or the public.
 - b. Rifle and handgun ranges may be open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset on Sunday.
 - c. Scheduled cease fire periods shall occur at a maximum every thirty (30) minutes.
 - d. Range development shall consider design guidance from the following organizations; NRA and NSSF. The NRA's Range Development Conference and Range Source Book, and the NSSF's resources for ranges are sources of information on noise mitigation, lead management and baffles/berms that might be considered.
4. Parking shall be provided for in accordance with Article 12.

T. SHORT-TERM RENTAL

Short-term rental establishments. The following conditions are intended to provide for the siting and operating of short-term rental establishments within Howe Township while providing reasonable protection to the Township and to the neighborhood in which the facility will be located against possible detrimental effects. In addition to the underlying district regulations specified in this section, all short-term rental establishments shall meet the following requirements.

1. Short-term rental establishments may be owner occupied or nonowner occupied.
2. The person renting out the dwelling unit must be the property owner of record. No subletting of short-term rentals is permitted.
3. The landowner, a designated agent, or person in charge must be 21 years of age and must be available at all times while the rental is occupied.
4. The occupancy of a short-term rental dwelling may not exceed the occupancy limit set by Howe Township's contracted code agency. A short-term rental may not advertise an occupancy greater than that established by the contracted code agency.
5. Short-term rental permits shall be obtained from the Township Zoning Officer and shall be renewed annually.
6. The building and parking areas shall be located in a manner compatible with the general character of the surrounding neighborhood. Exterior alterations, additions, or changes to the dwelling unit in order to accommodate or facilitate a short-term rental establishment shall retain the residential character of the dwelling unit and the surrounding neighborhood.

7. Signage for short-term rental establishments is optional but shall be consistent with the requirements set forth in this Ordinance.
8. Information such as police, fire, and EMS phone numbers as well as rules, nuisance ordinances, parking restrictions, maximum occupancy, and phone number(s) and name of designated agent or person in charge, who is (required to be 21 years of age and available at all times the rental is occupied) must be posted in a conspicuous location in addition to any other rules of any district.
9. Permits required for the establishment of, and operation of a short-term rental property shall not be transferrable upon the sale of the subject property. When the property transfers, the new property owner will need to apply for a continuance of the permit in the new property owner's name within one year of the sale of the property.
10. Short-term rental properties shall comply with all applicable federal, state, and local laws.
11. Use of a single-family detached residential dwelling unit as a short-term rental shall not constitute an abandonment of single-family residential use as a use by right.
12. Consideration may be given to renting out a qualified accessory building as a second short-term rental with a second STR permit if:
 - a. The accessory building meets the complete definition of a dwelling unit in order to be rented out separately from the main building.
 - b. Each building unit that is used as a short-term rental shall have a separate permit.
 - c. The renting of other types of accessory structures or amenities including but not limited to swimming pools, gazebos, porches, finished basement, meeting rooms, etc. are strictly prohibited.
13. Hazard and liability insurance. All property owners renting a dwelling unit or portion thereof for occupancy in Howe Township as a short-term rental, shall obtain and maintain minimum insurance coverage as indicated below.
 - a. General liability insurance in an amount sufficient for short-term rental activity.
 - b. Insurance declarations shall clearly indicate insurance coverage specifically for rental or include written acknowledgement of same from insurance provider.
 - c. Proof of insurance shall be submitted to the Township as part of the permit application process. The applicant shall notify Howe Township of any changes in the insurance policy.
14. Township Responsibilities.
 - a. The Howe Township Zoning Officer shall approve or deny any application for a short-term rental permit within 30 days of a completed application being received.
 - b. The Zoning Officer shall keep records of all short-term rentals permitted within the Township.
 - c. Fees for permits required under the provisions of this section shall be set per unit by the Howe Township Board of Supervisors on an annual basis.
 - d. The Township shall collect the annual fee per unit with the required annual permit and paperwork for each short-term rental permit granted or renewed.

15. Violations and penalties; revocation of residential rental permit.

- a. Occupancy without a permit. It is unlawful to rent, offer to rent, or advertise for rent a dwelling unit located on any property within the Township as a short-term rental without a permit authorizing such use that has been approved and issued in the manner required by this section.
- b. Revocation. Any owner of a property covered by this section shall be subject to the regulations set forth in the Property Maintenance and Fire Code, which may result in the revocation or suspension of a short-term rental permit pursuant to the above referenced code.
- c. Permit violations. Any short-term rental property owner of a dwelling unit or portion thereof who rents or advertises for rental of a dwelling unit without first receiving a short-term rental permit pursuant to this section, or without renewing said permit pursuant to renewal sections of this section shall be considered to be in violation of this section and shall be subject to the following:
 - I. Upon discovery of a violation of this section, Howe Township shall notify the property owner of the violation by written notice sent via certified mail or delivered in person with signature of receipt.
 - II. The property owner who is in violation of this section shall be given 30 days to remedy the violation by applying for or renewing the short-term rental permit with Howe Township.
 - III. Upon expiration of the aforementioned 30 days, the property owner shall be fined for each day that the property is rented.
- d. Property maintenance. Properties with a short-term rental permit are subject to the requirements shall meet all code enforcement requirements as contracted by the Township for codes enforcement and as required and updated by the Commonwealth of PA for enforcement of permit suspension.
- e. Complaints. Complaints, including, but not limited to, noise, parking, and criminal violations shall be reported to the police or 911.
- f. Penalties. Any violations of nuisance or ordinance laws in any calendar year/permit cycle shall result in penalties and/or fines.
 - I. First offense. Written warning/notice of violation sent to the owner via certified mail or hand delivered with signature of receipt;
 - II. Second offense. Minimum \$500 fine to be paid by the owner;
 - III. Third offense. Increased fine of a minimum of \$1,000 to be paid by the owner;
 - IV. Fourth offense. Calendar year/permit cycle suspension of rental permit. If in the R-1 or R-2 residential district, this suspension constitutes a loss of the short-term rental as nonconforming status.
- g. Right of appeal. Any person in violation of this section shall have the right to appeal to the Zoning Hearing Board of Howe Township.

U. SOLID WASTE STORAGE FACILITIES

All multifamily, commercial and manufacturing buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the following:

1. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
2. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with access ways facilitating ready deposit and collection of refuse.

V. TEMPORARY ROADSIDE STANDS

Such a structure and use may be permitted, provided the following are complied with:

1. A Highway Occupancy Permit shall be obtained from the appropriate State or Township authorities for any access or pull-off areas.
2. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
3. No structure shall be located closer than twenty-five (25') feet from the edge of the cartway.
4. The structure shall be removed at the end of the growing and harvesting season of the products sold.
5. No hazards to pedestrians or vehicular traffic shall be created.

W. TOWNHOUSES

In districts where permitted, all townhouses shall comply with the following:

1. There shall be not more than eight (8) attached units in a row.
2. Individual units may be subdivided and contained on individual lots only when served by public sewerage and water facilities.
3. All other applicable provisions of this Ordinance.

X. WIND ENERGY CONVERSION SYSTEMS

Windmills, windwheels, or wind energy conversion systems (WECS) shall be permitted in all Districts, subject to the following conditions:

1. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten feet from any occupied dwelling, and shall not be more than seventy-five (75') feet in height.
2. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
3. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20') feet.
4. All electric lines/utility wires shall be buried underground.

5. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6') foot fence. The supporting structure shall also be enclosed by a six (6') foot fence, unless the base of the tower is not climbable for a distance of twelve (12') feet.
6. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor eight (8') feet in height and must be located at the base of the supporting structure.
7. In permitted residential districts, only one windmill, windwheel or WECS shall be permitted per lot.
8. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
9. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
10. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dBA measured at the property line.
 - a. A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 (ten) times the common logarithm of this ratio.
 - b. "A" Weighted Sound Level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.

Section 1004: Prohibited Uses

The following uses are prohibited in all districts throughout the Township:

- A. Any use or activity prohibited by Section 5903 of the Pennsylvania Crimes Code, 18 Pa. S. subsection 5903, as amended and supplemented.
- B. The keeping and/or containment of wild or dangerous animals, except as may be permitted by law.

Section 1005: Uses Not Provided For

Whenever in any district established under this Ordinance, a use is neither specifically permitted nor prohibited; and an application is made by a property owner, the use may be permitted if it is determined by the Zoning Officer to be similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance. If the proposed use is similar to a Conditional Use in this Ordinance, the applicant shall comply with this Article.

Article 11 – General Regulations

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

Section 1101: Height Regulations

- A. Height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary mechanical appurtenances.
- B. For all residential uses, accessory buildings shall not exceed twenty-four (24') feet in height.

Section 1102: Area Regulations

- A. On a lot held in single and separate ownership from adjacent lot as of the effective date of this ordinance, which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified in this Ordinance, and further that the proposed sanitary sewer system and water system is approved by the Department of Environmental Resources.

Section 1103: Yard Regulations

- A. Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, sod, or other vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios or other types of surfaces are permitted. All yards shall be maintained and kept free of all debris and rubbish.
- B. Where the right-of-way of street or streets upon which the lot abuts are less than fifty (50') feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from the ultimate street right-of way, as defined for each street classification in the design standards set forth in the Howe Township Subdivision and Land Development Ordinance.
- C. Front Yards
 - 1. When a vacant lot is situated between two (2) lots each occupied by a principal building within twenty-five (25') feet of the side lot line of such vacant lot and which building(s) extend into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two (2) adjacent occupied lots.
 - 2. Where a vacant lot adjoins only one lot occupied by a principal building within twenty-five (25') feet of the common side lot line which extends into the required front yard depth of such occupied lot, the front yard depth of such vacant lot shall be the front yard depth required for the district in which such vacant lot is located.
- D. Side Yards
 - 1. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Ordinance.
 - 2. In a district where residential structures are permitted on a lot held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zoning district, only one (1) single family dwelling may be erected, and side yards shall be provided according to the

following requirements.

- a. On interior lots with a width of fifty (50') feet or more, two (2) side yards shall be provided as required by the district regulations:
 - b. On corner lots with a width of fifty (50') feet or more, one (1) side yard and one (1) rear yard shall be provided, however that side and rear yards may be reduced less than 50% of that which the district requires.
 - c. On interior lots less than fifty (50') feet two (2) side yards shall be provided, each equaling at least twenty (20%) percent of the lot width.
3. On a lot in a commercial district held in single and separate ownership from adjacent land at the effective date of this Ordinance, with a lot width less than that required for the zoning district, the required side yards shall be determined by the Zoning Officer upon application subject to the same criteria as listed under Subsection 2 above for residential structures.
 4. A building accessory to a residential use may be erected within five (5') feet of an interior side or rear lot line. Such a building shall not, however, be located within the minimum permitted street setback line.
 5. A carport, open on the three (3) sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than eight (8') feet from the side lot line, and the carport shall not be permitted to be further enclosed in the future. A detached carport shall follow the requirements of item 4 above.

Section 1104: Nonconforming Buildings and Uses

- A. All lawful uses of land or of a lot, building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with this Section 1104.

B. Continuation

Upon the request of a landowner and in accordance with Section 1605, the Zoning Officer is responsible for the proper registration of premises occupied by a lawful nonconforming use, building and/or structure, including a nonconforming lot, existing after the effective date of this ordinance and issuance of a Certificate of Nonconformance (see Sect. 1615); which shall be for the purpose of insuring to the owner the right to continue such nonconformity in accordance with the provisions of this Article. It is the property owners' responsibility to assist the Zoning Officer in the identification and registration of nonconforming lots, uses, buildings, and structures for which they are accountable.

C. Alterations

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations set forth in this Ordinance and other applicable codes and ordinances adopted by the Township.

D. Extensions or Enlargements.

1. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance:

- a. The extension of a nonconforming use of land upon a lot occupied by such use.
 - b. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - c. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - d. The extension or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings, structures, or uses shall be subject to the following conditions:
- a. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. The extension or enlargement shall not exceed fifty (50%) percent of the existing floor area or area occupied by the non-conforming use prior to any extension or enlargement.
 - b. The entire building or use shall be provided with off-street parking and loading spaces as required by Article 12, Off-Street Parking, herein.
 - c. The extension or enlargement does not replace a conforming use.
 - d. A lawful nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

E. Reconstruction/Restoration

A nonconforming building, structure, or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

- 1. The reconstruction and/or restoration is commenced within one (1) year from the date of occurrence of the damage and is carried to completion without undue delay.
- 2. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.
- 3. The remains of any such buildings, structures, or other improvements so destroyed shall be removed from the premises within six (6) months so that the same shall not remain as a nuisance or safety hazard.

F. Abandonment (Discontinuance)

If a nonconforming use of land or building is abandoned intentionally for a continuous period of more than twelve (12) months, then such use and any subsequent use of land or building shall conform to the provisions of this Ordinance, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the administration is terminated or a court order concerning the disposition of the estate has been entered.

G. Nonconforming Signs

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in Article 15, Signs, herein.

H. District Changes

Whenever the boundaries or uses of a district shall be changed, the foregoing provisions shall also apply to any non-conforming lots, uses, structures or buildings existing therein or created thereby.

I. Unsafe Structure

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by property authority.

Section 1105: Buffer Yard and Screen Plantings

A. Buffer Yards

1. Where a commercial or industrial use adjoins a residential district or use, a buffer yard of not less than ten (10') feet in depth shall be provided along the common lot lines within a residential district or use, in addition to the yard required for the district in which it is located.
2. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than thirty-five (35') feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than sixty (60) degrees.
3. Parking of automobiles may not be permitted in the buffer yard.
4. Screen Plantings

Screen Plantings shall be in accordance with the following requirements:

- a. Plant materials used in screen planting shall be at least four (4') feet in height when planted, shall be planted no more than three (3') feet apart, and be of such species as will produce, a complete year-round visual screen of at least six (6') feet in height within three (3) years.
- b. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year;
- c. The screen planting shall be so placed that at maturity it will be not closer than three (3') feet from any ultimate right-of-way or property line;
- d. Where screen plantings are required adjacent to a street right-of-way, a clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets;
- e. The screen planting shall be broken away only at points of vehicular or pedestrian access;
- f. Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multifamily, townhouse, commercial or manufacturing use where the parking or solid waste area abuts a residential zoning district or a lot occupied by a residential use.

- g. Trees that shall not be used in planting of buffer yards are:
 - (1) Poplars- all varieties
 - (2) Willows- all varieties
 - (3) White or Silver Maple
 - (4) Aspen- all varieties
 - (5) Common Black Locust
- h. Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangement of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

Section 1106: Projections in Yards

- A. Solar collectors and unenclosed ground-story terraces, patios, and uncovered porches may project into any required yard not more than one-half its required dimension.
- B. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two (2') feet into a required yard.
- C. Covered porches, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into any yard.

Section 1107: Obstructions to Vision

- A. Walls, fences, signs, or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- B. A clear sight triangle of seventy-five (75') feet, measured along the centerlines of intersecting streets, shall be maintained; within which an unobstructed view shall be provide by limiting such structures or planting to a height of not more than three (3') feet or less than ten (10') feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of ten (10') feet above the street grade.

Section 1108: Fences and Walls

- A. Fences and walls may be erected, altered and maintained within the yards subject to the following height requirements:
 - 1. Any such fence or wall in the front yard shall not exceed four (4) feet in height.
 - 2. Any fence or wall in the side or rear yard may be a maximum of eight (8') feet in height. Furthermore, any fence or wall exceeding six (6') feet in height shall contain openings therein equal to fifty (50%) percent of the area of that portion of the wall or fence exceeding six (6') feet.
 - 3. Adjacent properties that have a common wall, such as townhomes, a fence is permitted to be placed on the property line. All other fencing shall be place a minimum of three (3) feet from exterior property lines.

- B. All yards used for the storage of any material needed or the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting on all sides which face upon a street or face upon a lot in a more restricted zone.
- C. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
- D. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.
- E. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
- F. No fence shall be constructed in any street right-of-way, drainage or sewer right-of-way, any other public easement, or within a clear sight triangle.
- G. All fences must meet the intersection visibility requirements set forth in Section 1107, above.

Section 1109: Habitable Floor Area

The minimum habitable floor area of a dwelling unit hereafter erected shall be six hundred (600) square feet. In the case of buildings holding or containing two (2) or more dwelling units, the minimum habitable floor area shall be not less than three hundred (300) square feet per dwelling unit, except those dwellings units designed for and occupied exclusively by one (1) person, which dwelling units shall contain not less than two hundred (200) square feet of habitable floor area.

Section 1110: Performance Standards

All uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production and/or emission of dust, smoke, refuse matter, odor, gas fumes, noise, light glare, vibration or similar substances or condition. Uses may be permitted, except those specifically prohibited in the district regulations or general provisions, if safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, between the governing body and the property owner, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions, and safeguards.

Section 1111: Drainage Regulations

- A. Prior to obtaining a permit for any construction or earthmoving activities the Applicant must submit an erosion and sedimentation control plan and storm water management plan for approval by the Township Engineer.
- B. Such plans shall be in conformance with those standards set forth in the Township Subdivision and Land Development Ordinance, and any other applicable State, County and Township Legislation or Regulations, particularly the Pennsylvania Storm Water Management Act of October 4, 1978, as amended, approved by the General Assembly on May 14, 1985.

Section 1112: Control of Traffic and Protection of Public Safety

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas, and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required. Where access is to a Township Road, a Township Driveway Permit shall be required prior to issuance of the building permit.

Section 1113: Reduction of Lot Dimensions

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

Section 1114: Rubbish and Garbage

A. Non-residential Trash and Refuse Areas

Provisions shall be made for the storage of trash, refuse, garbage and recyclables, whether inside a building(s) or within a walled or fenced area outside in an enclosed storage unit(s). The walls or fences of such trash and refuse areas must shield the contents of the enclosure from direct view from any residences, and shall be of compatible design and materials with the building(s) which it services. Proper ingress and egress must be provided for removal of the trash, refuse, garbage and recyclables, without conflict with parked vehicles or circulation within the parking area. Around the non-parking lot side(s) of any enclosure, landscaping shall be provided to soften the appearance of the enclosure.

B. Accumulation Garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of garbage.

C. Disposal of Garbage

Every occupant of a structure shall dispose of all garbage in a clean and sanitary manner.

D. Refrigerators

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises. Doors of refrigerators or other similar appliances/equipment shall be removed prior to disposal.

E. Disposal of Garbage

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in a trash bag, metal or plastic garbage container and contracting for pickup and/or delivering to a PADEP approved disposal facility.

Section 1115: Unlicensed and Unregistered Vehicles

A. There shall be no unlicensed or unregistered vehicles permitted in the front yard of any District.

B. There shall be a maximum of three (3) unlicensed vehicles stored outside of a building on any lot.

Section 1116: Floodplain Management

A. In addition to the provisions of this chapter, all portions of properties in the Township which are located in a floodplain area as identified in the Federal Emergency Management Agency (FEMA) 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) and/or as defined in the Howe Township Floodplain Management Ordinance of 2009, or its successor Ordinance.

- B. Activities in the floodplain as identified in FEMA's 2009 FIS and FIRMs are regulated by the Pennsylvania Flood Plain Management Act, 32 P.S. § 679.101 et seq. (PFPMA), and the Howe Township Floodplain Management Ordinance of 2009, or its successors. Pursuant to § 204 of the PFPMA, the standards of the National Flood Insurance Program (NFIP) shall be deemed the minimum standards for the management of properties in the floodplain as defined and identified in the FIS, FIRMs and/or the Township's Floodplain Management Ordinance of 2009 or its successors, and the power of the Board of Supervisors or any other body to grant waivers, variances or other relief from the provisions of such Floodplain Management Ordinance shall be limited to those minimum requirements of the NFIP, as provided in § 204 of the PFPMA.

Article 12 – Parking and Motor Vehicle Access

Section 1201: General Parking Regulations

- A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- B. Outdoor parking space shall be deemed to be part of the open space of the lot upon which it is located.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

Section 1202: Facilities Required

Any of the following buildings listed in Table 12 hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than the minimum parking spaces as set forth below. Where the computation of required parking spaces results in a fractional number, any fraction equal to or exceeding one-half ($1/2$) space shall be counted as one; any fraction less than one-half ($1/2$) space may be dropped.

Section 1203: Off-Street Parking Space Requirements

The minimum number of parking spaces shall be provided in accordance with Table 12. This is not to preclude that need for additional parking spaces dependent upon the actual use and operation of the use.

- A. Up to a twenty (20) percent reduction for the minimum number of parking spaces required as provided in Table 13 may be considered through a conditional use if sufficient documentation is provided that demonstrates reduced real world parking volumes experienced at uses of a similar nature as compared to the numbers provided in Table 12.

TABLE 12 - PARKING SPACE REQUIREMENT		
PROPOSED USE	Minimum # of Required Parking Spaces (Total required equals A + B)	
	A	B
Residential Uses		
Single family detached	2 per dwelling unit	
Single family semi-detached	2 per dwelling unit	
Two-family detached	2 per dwelling unit	
Single family attached	2 per dwelling unit	
Multi-family (apartment)	2 per dwelling unit	
Seasonal cottage, hunting/fishing cabin	2 per dwelling unit	
Short-Term Rental	2 per dwelling unit	
Boarding house (B&B)	2 per dwelling unit	
Manufactured home	2 per dwelling unit	
Mobile Home Park	2 per dwelling unit	
Agriculture Uses		
Agriculture	2 per dwelling unit	# as needed for operation
Sawmill	1 per employee	
Agriculture Operation	1 per 2 employees	
Orchard	1 per 2 employees	1 per 200 SF retail sales GFA
Hatchery	1 per employee	
Temporary roadside produce stand	1 per employee	1 per 50 SF GFA
Grange hall/buildings for agricultural groups	1 per 200 SF GFA	
Commercial Uses		
Agriculture, commercial establishment	1 per employee max shift	
Airport/heliport	1 per 500 SF GFA	
Amusement enterprise (commercial recreation facility)	1 per 100 SF GFA	
Arts and crafts manufacturing and sales	1 per 300 SF sales/display floor area	1 per employee
Automobile sales and service (including body shop)	1 per 200 SF Sales/Service/Repair floor area	1 per 2,500 SF outdoor display/storage area
Car wash	2 per wash bay (stacking)	1 per employee
Construction and farming materials/equipment	1 per 2,500 SF Outdoor Sales Display floor area	per sale and service uses provided herein
Country club/golf course	5 per green	
Craftsman shop	1 per 500 SF GFA	
Dance/music studio	1 per 300 SF GFA	
Daycare/preschool	1 per 10 students	
Dog kennel	1 per employee	3 spaces for customer parking
Florist	1 per 300 SF Sales floor area	1 per 2 employees on max shift
Funeral home/mortuary	1 per 50 SF of service/viewing/office/product display floor area	
Garden store	1 per 500 SF GFA	1 per 2 employees
Hospital	1 per 2 beds	1 per 3 employees
Hotel and motel	1 per guest room	1 per 2 employees on max shift
Laboratories	1 per 300 SF GFA	
Medical/dental clinic/office	1 per 200 SF GFA	
Micro-brewery	1 per employee	1 per 200 SF GFA
Nurseries	1 per 500 SF GFA	1 per employee
Personal service establishment	1 per 300 SF GFA	
Printing and publishing	1 per 300 SF GFA	
Professional office (bank, insurance, attorney, engineer, etc.)	1 per 300 SF GFA	
Restaurants (diner, coffee shop, donut shop)	1 per 2 seats	
Restaurant (Outdoor Dining)	1 per 2 Seats	
Restaurant (Take-Out Only)	5 for customer service	1 per employee
Retail stores	1 per 200 SF GFA	
Riding academy	1 per 4 stalls	
Veterinary service/animal hospital	1 per 200 SF GFA	
Industrial Uses		
Wholesale and warehouse business, including distribution activities	1,000 SF GFA	1,000 SF gross floor area
Auto salvage yard	1 per 200 SF sales floor area	
Bottling works	2.5 per 1,000 SF GFA	
Manufacturing facility	2.5 per 1,000 SF GFA	
Recycling facility	2.5 per 1,000 SF GFA	
Machine shop	2.5 per 1,000 SF GFA	
Freight and trucking terminals	1 per 2,000 SF GFA	
Data Center	1 per 8,000 SF GFA	
Public Uses		
Public park and recreation area	Variable, depending on proposed use, approved by Township Supervisors	
Church or similar place of worship	1 per 3 seats in assembly area or 1 per 20 classroom seats (whichever is greater)	
Cemetery		
Municipal building/facility	1 per 200 SF GFA	1 per 4 seats in assembly areas
Public utility transmission/distribution facilities	1 per 100 SF GFA of building	
Public/private higher education facilities (school/college)	1 per 3 seats in assembly area or 1 per 20 classroom seats (whichever is greater)	
Public/private elementary/middle/junior high education facility	2.5 spaces per classroom	1 per 5 seats in auditorium or assembly area
Public/private secondary education facility	4 per classroom	1 per 5 seats in auditorium or assembly area
Library	1 per 300 SF GFA	1 per 2 employees
Fraternal organization, club or lodge	1 per 100 SF GFA	
Miscellaneous		
Signs		
Home occupations		
Accessory use/building incidental to permitted use		
Containment of large pets/ livestock accessory to permitted use		
Renewable Energy Resource		
Outdoor Shooting Range	1 per station	
Indoor Shooting Range	1 per station	
Cellular Communications Facilities	Variable, depending on site facilities, to be determined by the Township Supervisors	
NOTE: Gross Floor Area (GFA) for the purpose of calculating required parking spaces, includes actual floor area, storage/warehouse area/external display area, etc.		

Section 1204: Location of Parking Space

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

- A. The required parking spaces shall be situated within six hundred (600') feet of the principal building or open space in question.
- B. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

Section 1205: Design Standards

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

- A. In all districts parking spaces per vehicle shall measure not less than ten (10') feet wide and twenty (20') feet long
- B. In all districts except for single family dwellings, there shall be no less than ten (10') feet of open space between the curb line or edge of any parking area and the outside wall of any building. No parking area shall be located within a public right-of-way.
- C. Parking lot dimensions shall be not less than those listed in the following table.

Angle of Parking	Parking		Aisle-Width	
	Stall Width	Stall Depth*	One-Way	Two-Way
90 degrees	10'	20'	24'	24'
60 degrees	10'	22'	18'	20'
45 degrees	10'	21'	15'	20'
30 degrees	10'	19'	12'	20'

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

- D. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- E. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- F. The width of entrance and exit drives shall be a minimum of twelve (12') feet for one-way use only, a minimum of twenty (20') feet for two-way use (except where 90 degree parking is used in which case the minimum shall be not less than twenty-four (24') feet.

G. Setback for parking areas shall be provided as follows:

1. All parking spaces and access drives shall be at least ten (10') feet from any multiple dwelling building, industrial building, or commercial building on the lot;
2. All parking spaces and access drives shall be at least five (5') feet from any exterior lot line, except where buffer yards are required, in which case such parking spaces and access drives may not encroach on the buffer yard area; and
3. Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five (5') feet planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street or sidewalks in order to leave the parking area.
4. All off-street parking spaces shall be marked so as to indicate their location.

H. Separate parking areas on a parcel or development shall be physically separated from one another by eight (8') feet planting strips.

I. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street and from the ground level of adjoining residential districts.

Section 1206: Handicapped Parking

Handicapped parking spaces shall be provided in all uses, with the exception of single and two-family residential uses, and shall comply with the location, size, marking, and ingress and egress requirements set forth herein, or as otherwise required in the Americans with disabilities Act, latest edition. Each reserved parking space for physically handicapped persons shall be not less than twelve (12) feet wide and twenty (20) feet long. The number of accessible parking spaces required are as follows:

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2 percent of total
1,000 and over	20, plus 1 for each 100, or fraction thereof, over 1,000

Section 1207: Drainage, Surfacing and Maintenance Standards.

- A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township Engineer and Board of Supervisors to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.
- B. Parking areas shall be kept clean and free from rubbish and debris.
- C. In all cases, such drainage, surfacing, and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Township.

Section 1208: Lighting

- A. Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall on any residence beyond the property line.
- B. All public parking areas shall be adequately lit during after dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.
- C. All lighting shall comply with Section 14, Lighting.

Section 1209: Loading and Unloading Space

- A. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums, and other similar uses shall provide adequate off-street area for loading and unloading of supplies an/or people to and from vehicles, or provide an adequate "Loading Zone" along a secondary street.
- B. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than ten (10') feet wide, thirty-five (35') feet in length, and fourteen (14') feet in height.

Section 1210: Changes in Requirements

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Article.

Section 1211: Continuing Obligation

All required parking facilities shall be provided and maintained for so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area after installation, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions are to be taken by the owner, operator, sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities area designed to serve. Required parking facilities shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

Section 1212: Motor Vehicle Access

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

A. Driveways and Curbs

Access to the lot shall comply with the following regulations:

1. Single Family Residential property access shall be provided by not more than nor less than one (1) driveway. Commercial or multi-family residential properties shall be provided by not less than one (1) nor more than two (2) driveways for each one hundred (100) feet of street or private road frontage.
2. No driveways serving single-family dwellings shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet. No flare shall cross an extended side property line.
3. Each driveway shall be stabilized and shall be not less than ten (10') feet in width nor more than thirty-five (35') feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. Driveways shall not cross the street right-of-way line within forty (40') feet of the street right-of-way line of an intersecting street and in no case less than ten (10') feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the Board of Supervisors, this dimension may be increased for driveways into shopping centers or other commercial, industrial, public, multi-family or institutional uses.
5. Driveways shall not cross the street right-of-way within fifteen (15') feet of a fire hydrant, or within five (5') feet of a catch basin or drain inlet.
6. Driveways shall not cross the street right-of-way (for other than single family dwellings) within forty (40') feet of another driveway on the same lot; excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than twelve (12') feet between two (2) access drives.
7. Driveways shall not cross the street right-of-way for all multi-family developments and in all commercial and industrial districts within twenty (20) feet of a property line unless two (2) adjoining property owners mutually agree in a legally recorded instrument to a common driveway.
8. For nonresidential uses, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two (2) ends and street/private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the Township Engineer.
9. For nonresidential uses, where there is no existing curb and gutter or sidewalk; a curb, fence, or landscaping not less than eight (8) inches and not more than two (2) feet in height shall be constructed along the entire length of the street right-of-way line, except in front of the permitted driveway.
10. General Safety Requirements – Sight Distance: Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of five (5) percent within twelve (12) feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used,

the side slopes of the cut shall be graded to not more than one-half (1/2) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.

11. Submission of Plan: A scale drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation.

B. Location of Gasoline Pumps

Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such line.

Article 13 - Signs

Section 1301: Statement of Intent

The purpose of this Article is to promote and preserve the public health, general welfare, and safety of citizens of Howe Township by regulating signs of all types. It is intended to protect property values; to create a more attractive community; to regulate the potentially deleterious impact of signs within the Township; to insure the compatibility of signs with adjacent and nearby land uses; to limit the aesthetic impact that a multitude of clustered signs has on the Township and the surrounding community; and to reduce distractions and obstructions that may contribute to traffic accidents. In addition to the above, this Article is an exercise of the Township's zoning and police power in accordance with the following objectives:

- A. To control the size, location, and illumination of signs in the Township in order to reduce hazards to pedestrian and vehicular traffic.
- B. To encourage signs which are well-designed and pleasing in appearance, and to provide latitude for variety, in order to enhance the economic value, promote local business interests, as well as the preservation and enhancement of the visual character of properties within the Township.
- C. To establish standards designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors, and legible in the circumstances in which they are seen; and to prohibit the erection of signs that do not meet these criteria.
- D. To establish requirements for compliant signage when a new occupant or use is proposed on a property.
- E. To prohibit the construction of and require the removal of signs that constitute a hazard or a blighting influence.

Section 1302: Exempt Signs

The following signs are exempt from the permit requirements of this Ordinance since such signs are deemed not to create nuisance situations that would threaten the health, safety, or welfare of persons in the Township. However, all owners of such signs must still comply with all applicable standards of this Ordinance, including the responsibility for maintenance of signs in good and safe repair.

- A. Governmental Signs, being those established by duly constituted governmental authorities or bodies, including but not limited to, traffic regulation signs, public notice signs and other signs required to be maintained or posted by law or government order, rule, or regulation.
- B. Traffic regulation signs in private parking lots.
- C. Signs indicating the prohibition or control of fishing, hunting, trespassing, etc.; or signs indicating the private nature of a road, provided the area of any such sign does not exceed four (4) square feet. Such signs may be placed along property lines or road frontages at a maximum frequency of one (1) sign every seventy-five (75) feet.
- D. Signs with an area not exceeding one (1) square foot, bearing the address or the names of the occupants of a residence with characters not exceeding four (4) inches in height.

- E. Signs with an area not exceeding two (2) square feet, bearing the address or the name of a home occupation with characters not exceeding four (4) inches in height.
- F. Flags, except that flags larger than forty (40) square feet shall require a permit.
- G. Directional signs advertising the availability of restrooms, telephones, or similar public convenience, per Section 1304.
- H. One (1) or more signs applied to a windowpane giving store hours or the name or names of credit or charge institutions, when the total area of any such sign or all signs together does not exceed six (6) square feet.
- I. An Identification Sign, being defined as a sign which is a permanent architectural feature of a building, or structure such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material or contrast in color with the building and including historic structure identification signs not exceeding four (4) square feet in area.
- J. Temporary yard sale or garage sale signs provided such signs do not exceed four (4) square feet in area and shall be removed within twenty-four (24) hours of the conclusion of such sale and limited to one (1) sign per property.
- K. Signs advertising the meeting places and times of nonprofit service, governmental, religious, educational, and charitable organizations provided that each sign does not exceed eight (8) square feet in area and do not advertise any commercial establishment, activity, organization, product, goods or services. Such signs shall be limited to two (2) per property.
- L. Address signs, not more than one (1) for each non-residential principal building or use on a premises and not exceeding one hundred sixty (160) square inches in area and displaying only the numerical address designation of the premises upon which they are maintained.
- M. Non-commercial signs relating to ideological, religious, or political thought provided they do not exceed twelve (12) square feet in area.
- N. Special event temporary signs, including portable signs and banners, that identify a parade, festival, fund drive or similar occasion, where such signs are of general benefit to the Township residents or for public convenience, necessity, or welfare. Special event temporary signs shall be permitted for one (1) period of fourteen (14) days and removed within two (2) days of the date or conclusion of the applicable event. Such signs may not exceed twelve (12) square feet in area and shall not be greater than eight (8) feet in height. No more than four (4) off-premises special event temporary directional signs may be placed within the Township by any one establishment, and no more than one (1) at anyone (1) intersection. No such sign may be erected, placed, installed, or maintained without the written permission of the owner of the real property involved.
- O. Temporary signs of contractors, architects, mechanics, and artisans placed on the property where the contracted work is occurring. These signs shall have an area no greater than twelve (12) square feet in area and shall be removed upon completion of the project.

- P. Temporary real estate signs placed on the property to be sold, rented, or developed, limited to one (1) sign per street frontage. Such signs shall be removed within five (5) days after transactions are completed and shall be a maximum eight (8) square feet in area. No off-premises real estate directional signs shall be permitted.
- Q. Temporary political campaign signs, a maximum twelve (12) square feet in area. Such signs that are located off a resident's property or are located within public rights-of-way, to the extent that the sign advertises a political candidate or election, must be removed within fourteen (14) days after such election.
- R. Directional signs located within a tract undergoing development, indicating the route to the sales office, model home, construction trailer, etc. These signs shall be a maximum eight (8) square feet in area.
- S. Temporary signs intended to announce sales, special events or the like. They shall not exceed twenty-five (25) percent of the total area of the side of the building or window where they are placed.
- T. Signs announcing seasonal, temporary business (e.g., farm products sales from temporary stands, Christmas tree sales, etc.), limited to a single sign on a property and displayed only during the sale period, not exceeding sixty (60) consecutive days. Such signs may not exceed twelve (12) square feet in area.
- U. Emergency warning signs erected by a public utility, pipeline company, or contractor doing such work authorized or permitted by such utility or company.

Section 1303: Prohibited Signs

The following signs, because their inherent characteristics could threaten the health, safety, or welfare of persons in the Township, are unlawful and prohibited:

- A. Signs which use the words "Stop", "Look", "Danger", or any other word, place, symbol, or character which attempts or appears to attempt to direct the movement of traffic, or which interferes with, imitates, or resembles any official traffic sign, signal; or device within seventy-five (75) feet of a public right of way or within two hundred (200) feet of a traffic control device.
- B. Any banner sign or sign of any other type across a public street without the prior written approval of the Township or PennDOT, as applicable.
- C. Any suspended sign which is either a pennant that blows in the wind or a spinner which spins in the wind, except when located inside a temporary fairground in conjunction with a special event.
- D. Except for traffic control signals, signs displaying red, yellow, or green lights within seventy-five (75) feet of a public right of way or two hundred (200) feet of a traffic control signal.
- E. Notices, placards, bills, cards, posters, advertisements, or other signs mounted or placed in any fashion upon a lamppost, electric light, telephone or other utility pole, hydrant, planter box, trash receptacle or upon any pier or column located on or along the public roads of the Township or PennDOT, or any such signs mounted or placed in any fashion upon a rock, tree, or any other natural feature. Exceptions are as authorized or required by law, or when exempt in accordance with Section 1302.3.

- F. Except as otherwise provided herein, any sign with flashing, revolving, moving, sound producing or animated parts, components or displays, including any sign which has the capability of motion in whole or in part, with the exception of signs that display time and or temperature exclusively.
- G. Any sign depicting lewd, vulgar, indecent, or obscene advertising matter displayed in any manner.
- H. Any sign which obscures or interferes with the line of sight at any street intersection or traffic signal or at any other point of vehicular access to a street.
- I. Any sign erected within the right of way of any public or private street except those signs described in Section 1302.1.
- J. Any sign erected or maintained so as to prevent free ingress or egress from any driveway, accessway, door, window or fire escape.
- K. Any portable sign (including vehicle signs), except for sign permitted in Section 1302.15, 1302.16, 1302.17, 1302.21 and 1304.4.
- L. Any sign, or any portion thereof, which extends above the roofline on any building on a property or which is attached or mounted or painted on a roof.
- M. Billboard signs, except as provided in the Commercial (C) Zoning District (limited to those properties with frontage on Pennsylvania Route 34 (Red Hill Road) and U.S. Hwy. 22/322) and permitted pursuant to Sections 1405 and 1406 herein.
- N. No sign of any kind shall be attached to a standpipe or fire escape.
- O. Off-premises signs, except as permitted in Sections 1302.10 and 1304.1.B.

Section 1304: SIGNS BY TYPE AND CONSTRUCTION

As referenced in this Article, an "on-premises sign" is a sign that directs attention to a business, commodity, service, entertainment, institution, or other permitted use which is offered on the same premises where the sign is located. As referenced in this Article, an "off-premises sign" is a sign that directs attention to a business, commodity, service, entertainment, institution, or other permitted use which is offered on a property other than the property on which the sign is located.

The following types of signs are permitted, being subject to compliance with the provisions and criteria of this Article XIV:

A. Directional Sign

A sign either mounted on a building or a ground sign intended to provide information for pedestrian or automobile traffic within or exterior to a property.

1. Directional signs are intended to give direction to parking areas, service entrances, restroom facilities and the like within a property.

2. Off-premises directional signs of a public or quasi-public nature shall be a maximum of three (3) square feet in area. No advertising shall be contained on such signs other than the following for the purposes of indicating:
 - a. The name or location of a town, village, hospital, community center, school, place of worship or the name or place of meeting of a governmental, civic, or service body.
 - b. Where specifically approved by the Board or installed by the Township, descriptive signs designating the location and nature of historic districts and listing the historic and commercial buildings or locations within such districts.

B. Ground Sign

Any sign erected on an independent structure so that the structure is the main support of the sign or erected directly on the ground surface or any sign which is not supported by any part of a building. Ground Signs shall be subject to the following requirements:

1. Except as provided in Sections 1304.2.H and 1305, a Ground Sign shall be fifteen (15) square feet or less and shall have a height of no more than eight (8) feet (with such height being calculated pursuant to Section 1306.4).
2. No more than one (1) Ground Sign shall be permitted on each road frontage of a property.
3. No Ground Sign shall project to a point nearer than fifteen (15) feet from the edge of the cartway of a road or closer to the road than five (5) feet outside of the street right-of-way line, whichever provides the greater setback from the road. Where compliance with this standard would obstruct safe sight distances, further setback shall be required.
4. No ground sign shall be erected closer to any residence, public park, church, school, or public playground than allowed by the side or rear yard building setback set forth in the applicable Zoning District.
5. No Ground Sign shall shine or reflect light into adjacent residences and any off sign lights must be directed at the Ground Sign only.
6. All poles or columns that support ground signs shall be made of masonry, metal or if wood, be fabricated from cedar or redwood. All such poles or columns shall be embedded in the ground at least three (3) feet six (6) inches unless the Zoning Officer directs otherwise.
7. Directory Sign. A Ground Sign for shopping centers, industrial parks, and office campuses where the names of interior tenants or owners are identified.

Directory Sign, Small. A directory sign having an area thirty-five (35) square feet or less and having a maximum height of no more than fifteen (15) feet. Small directory signs may be used for multiple-occupant non-residential developments exceeding 25,000 square feet floor area with over 300 feet of road frontage.

Directory Sign, Large. A directory sign having an area sixty-four (64) square feet or less in size and having a maximum height of no more than twenty-five (25) feet. Large directory signs may be

used for shopping centers with floor areas in excess of 30,000 square feet, industrial parks with floor areas in excess of 50,000 square feet, and office parks with floor areas in excess of 30,000 square feet.

- a. Such signs shall be limited in number to one (1) per frontage on a public street where there is no other ground sign.
 - b. Such signs may list only a name, address, logo, and primary product or service of each firm or business, and the name of the center, park, or campus.
 - c. All poles or columns that support directory signs shall be made of masonry, metal or if wood, be fabricated from cedar or redwood. All such poles or columns shall be embedded in the ground at least three (3) feet six (6) inches unless the Zoning Officer directs otherwise.
8. Billboard. A Billboard is defined as a form of a Ground Sign that exceeds the area and height regulations set forth in Section 1304.B.1. The erection and maintenance of Billboards shall be subject to the provisions set forth in Sections 1305 and 1306 herein. Each different display face of a Billboard shall constitute a separate Billboard. Billboards shall be freestanding and self-supporting. No part or portion of a Billboard shall be attached or connected to any other building or structure.

C. Fascia Sign

A sign to identify a service or other activity carried out within the building attached to a wall or to a canopy or attached to an extension to a building or an "island facility" such as in an automotive service station to identify the type of service available. Fascia signs shall face the street, an interior court or parking area.

1. Fascia signs shall not project more than eight (8) inches horizontally from the building wall or canopy. The Fascia Sign must be so located that the lower edge is a minimum of eight (8) feet above grade in any case where projection from the wall is greater than three (3) inches.
2. No more than one (1) sign shall be permitted per wall except for a multi-tenant building where each individual use shall be permitted one sign.
3. Fascia signs shall not exceed seven (7) square feet in area for each five (5) lineal feet of building front wall and in no case shall exceed twenty (20) feet in width or six (6) feet in height. Further, such signs may not extend beyond two (2) feet inside the edge of a canopy or marquee or the limit of any wall.
4. No fascia sign shall extend above the top of the wall upon which it is mounted.

D. Portable Sign

Any outdoor advertising display which is movable from one location to another, and which is not attached to a fixed structure or does not have permanent supports embedded in the ground. A maximum of one portable sign may be placed on a property, and only as allowed in accordance with Sections 1302.J, 1302.K, 1302.O, 1302.P, 1302.Q and 1302.U. The term portable sign shall include an outdoor advertising display located in or on a vehicle, except where:

1. The vehicle occupies a paved parking space on the property;
2. Such sign merely identifies the vehicle as belonging to such business by displaying the name, address and/or telephone number of such business and/or identifying the type of product or service offered by such business, and is painted on or attached to the vehicle;
3. The primary use of such vehicle is for the transportation of persons or products or the delivery of services in connection with such business; and
4. Such vehicle is currently Commonwealth of Pennsylvania licensed, Commonwealth of Pennsylvania inspected and is in operable condition.

E. Projecting Sign

A sign mounted on a building so that its principal face is at an angle of forty-five degrees (45°) or more to the building wall and having not more than two faces visible. Projecting signs may identify buildings or uses where lots are limited in setback or yard area so that ground signs are not appropriate.

1. Projecting signs shall be so located upon the buildings that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may extend a maximum of four (4) feet from the building wall, provided that no sign shall project to a point nearer than twelve (12) feet from the edge of the paved roadway or over the street line.
2. No projecting sign shall extend above the top of the wall upon which it is mounted.
3. One (1) projecting sign shall be permitted per premises.

F. Wall Sign

A sign attached or painted on a building wall, not located on the entrance facade or fascia of a building. Wall signs may be used to identify single occupancy buildings with no provision for a fascia sign.

1. Wall signs shall not exceed seven (7) square feet in area for each five (5) lineal feet of building wall and shall not exceed seven (7) feet in height and twenty (20) feet in width.
2. Wall signs shall not project more than ten (10) inches from the building wall and must be so located that the lower edge is a minimum of eight (8) feet above grade in any case where projection from the wall is greater than three (3) inches.
3. No more than one (1) wall sign shall be permitted per wall.

4. No wall sign shall extend above the top of the wall upon which it is mounted or within two (2) feet inside the edges of the same.

G. Window Sign

A temporary sign contained inside of a building which is visible from the sidewalk or parking area providing notification of products for rental or sale or special events and having one face visible.

Section 1305: Billboards & Electronic Signs

A. Intent

The intent of this Section is to provide opportunity for Billboards as a Conditional Use to be heard by the Howe Township Board of Supervisors, and to:

1. Support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Township;
2. Ensure that billboard advertising is provided for in the Township and located safely and appropriately where it can be viewed by the traveling public with the least distraction and degradation to the public safety; Provide billboard advertising in a manner demonstrated to be compatible with the historic, natural and rural character of the Township in terms of size, location, visual prominence from areas other than the adjacent highway, and materials and finishes used in construction;
3. To prevent Billboards from having a negative impact on neighborhoods (particularly residentially zoned or used properties) in terms of visual blight, light pollution, or decreased property value;
4. To prevent Billboards from having a negative impact on designated historic sites or structures in terms of visual blight, light pollution, or decreased property value;
5. To advance the mission of the International Dark-Sky Association and maintain the Township's nighttime environment by reducing light pollution through lighting practices that provide:
 - a. energy savings resulting in economic and environmental benefits;
 - b. superb nighttime ambience and quality of life;
 - c. conservation of nocturnal wildlife and ecosystems;
 - d. safeguarding of scientific and educational opportunities such as astronomy;
 - e. preservation of cultural heritage and inspiration for the arts;
 - f. increased visibility, safety, and security at night by reducing glare; and
 - g. protection of human health.

B. Definitions

1. **Billboard.** A form of a Ground Sign as defined and described in Section 1304.B.8.
2. **Billboard Structure.** The framework, support, display face(s) and electrical components of the billboard.
3. **Display Face.** The face of a Billboard, including copy, insignia, background, border, and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural support shall be excluded from the area calculations if it is not used to directly express or convey a commercial or noncommercial message.
4. **Electronic Sign/Billboard.** A Sign and/or Billboard capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means; or with content that may be changed by electronic process through the use of light or lights, including, but not limited to, light emitting diodes (LED), liquid crystal display and plasma image display.
5. **Message Sequencing.** A single message or advertisement for a product, event, commodity, or service that is divided into segments and presented over two (2) or more successive display phases of a sign, or across two (2) or more individual signs.
6. **Change Interval.** The "Change Interval" is defined as the time period in which the display of an Electronic Sign/Billboard must remain static and during which the display may not transition to display another advertisement.
7. **Transition Interval.** The "Transition Interval" is defined as the time period in which the display of an Electronic Sign/Billboard transitions to another display.

C. Criteria for Billboards

Billboards shall only be permitted through a Conditional Use approval, subject to the applicant establishing compliance with the following criteria, together with all applicable criteria contained herein and the criteria set forth in Zoning Ordinance Section 1102:

1. Billboards may only be erected and maintained in the Commercial (C) Zoning District, limited to those properties with frontage on Pennsylvania Route 34 (Red Hill Road) and U.S. Hwy. 22/322.
2. **Size.** The Display Face of a Billboard shall not exceed fifty (50) square feet in area unless the applicant can establish before the Zoning Hearing Board that the content of the Billboard could not be read from any point along the road frontage and that the permitted size is not adequate for the conveyance of any advertising messages to passing motorists. If the applicant is able to establish the above, then the Billboard shall not be permitted to exceed 300 square feet in area but shall be no larger than is necessary to be read and conveyed to passing motorists. If present, non-display physical borders around the display image shall not exceed six (6) inches on a side.
3. Billboards shall be setback a minimum of three hundred (300) feet from any other Billboard.
4. All Billboards must be set back at least five hundred (500) feet from all street intersections, measured from the point of intersection of the center lines of the intersecting streets.

5. Setback from Residential Dwelling Unit. Except as governed by a greater setback required herein, all Billboards must be setback a minimum of 150 feet from the boundary of the RI, R2, R3, A and CF Zoning Districts and from the boundary of any property on which a residential dwelling unit is situated. Moreover, the applicant must establish that the Billboard will be screened such that the face of the Billboard will not be visible from an existing residential dwelling unit. With respect to such setback as applied from any existing residential dwelling unit, the 150-foot setback may be reduced if the owner of such dwelling unit agrees in writing to the placement of such Sign on their property as memorialized by an easement filed with the Perry County Recorder of Deeds.
6. The Applicant shall bear the burden of establishing that the proposed Billboard will not create a substantial public health, welfare, or safety concern.
7. The Billboard Structure shall be screened with vegetation. In no case shall the supporting structure be designed to increase the apparent size of the Billboard or to otherwise increase its visual prominence.
8. The Applicant shall be required to submit an attestation from a structural engineer, registered in Pennsylvania, to certify that the proposed Billboard is properly constructed pursuant to all applicable codes, to certify the viability of the construction of the foundation and erection of the structure for the proposed Billboard. The Applicant shall further submit a report from an engineer to demonstrate sufficient wind tolerances of the proposed Billboard.
9. The Applicant shall submit a plan prepared by a landscape architect showing landscaping proposed to be installed to screen and buffer the Billboard. Existing vegetation on and around the proposed Billboard shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of the Township's Zoning Ordinance and Subdivision and Land Development Ordinance. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.
10. All Billboards shall be serviced by underground electrical wiring.
11. Billboards shall be properly and adequately secured to prevent unauthorized access, with such features as a locked ladder way.

D. Criteria for Electronic Signs/Billboards

In addition to the above criteria in Subsection C and the criteria set forth in Section 1406, the following criteria shall apply to Electronic Signs/Billboards, which shall only be permitted by Conditional Use pursuant to the applicant establishing the following criteria:

1. Electronic Signs/Billboards may only be erected and maintained in the Commercial (C) Zoning District, limited to those properties with frontage on Pennsylvania Route 34 (Red Hill Road) and U.S Hwy. 22/322.
2. Electronic Signs/Billboards may not contain any fading; flashing; modulating; scrolling; moving lights; text or graphics; any full-motion video; or any visible change during the Change Interval period.
3. Change Interval. Electronic Signs/Billboards must provide a minimum Change Interval of at least eight (8) seconds.

4. Transition Interval. Electronic Signs/Billboards must provide a maximum Transition Interval of one (1) second.
5. Illumination shall be automatically controlled so that at no point on the Electronic Sign/Billboard shall the luminance exceed 100 cd/m² with a full-white board face after sunset.
6. The Electronic Sign/Billboard shall contain a default mechanism that will freeze the sign display in one (1) position if a malfunction occurs or shut down and show "full black" on the display.
7. The applicant shall establish compliance with (and submit all evidence as required under) Section 1403.F. The size of any proposed Electronic Billboards shall only be as permitted under Section 1403.F.
8. Message sequencing shall be prohibited.
9. No Electronic Sign/Billboard shall shine or reflect light into adjacent residences.

Section 1306: General Standards Applicable to All Signs

1. Illumination and Screening

In addition to the illumination provisions specifically provided for in Sections 1304 or 1305, the following illumination standards shall apply. All illuminated signs shall be constructed to the standards of the National Fire Protection Association (NFPA). Illumination may be direct (giving forth light from the interior of the sign through translucent material) or indirect provided that the light source is directed upon the sign. The lighting source shall not be directly visible from any street or sidewalk, nor from any other normal vantage point. Lighting shall not shine directly on abutting properties, or within the normal line of vision of the public when using streets or sidewalks. No sign shall be placed or illuminated in such a position that it will cause any danger to pedestrians or vehicular traffic. No sign shall be utilized in a manner that produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded and screened from adjoining residential properties.

All Billboards must comply with Howe Township Zoning Ordinance Article 11 (General Regulations & Design Standards) and Article 14 (Lighting), as may be amended from time to time. The provisions of Article 11 & Article 14 are expressly incorporated into this provision as if the same were set forth at length herein.

Applications for the lighting or relighting of Signs and Billboards (including Electronic Signs/Billboards) using external light sources shall be accompanied by a point-by-point plot of initial vertical illuminance on the Sign or Billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting by the required hour.

B. Maintenance

Every sign shall be constructed of durable materials, using non-corrosive fasteners, and shall be structurally safe and erected or installed in strict accordance with the Township Building Code and always maintained in a safe condition and good repair. Specifically, no sign shall be maintained within the Township in such a state of disrepair as to have the appearance of neglect or which is rotting or falling down, which is illegible or has loose parts, separated from original fastenings.

C. Height

Except as specifically referenced in Sections 1302 - 1305, the height of any sign shall not exceed thirty (30) feet. The height of a sign (excepting Wall Signs) shall be defined as the vertical distance measured from the sign's highest point to the ground surface, or the vertical distance measured from the grade of the cartway nearest to the sign to its highest point of the sign, whichever is lesser. The highest point in the case of a sign shall include the supporting structure.

D. Setbacks — Street Intersections

At all street intersections, no sign, except traffic control signs, school warning signs, and similar signs as provided for by other portions of this Chapter shall be permitted within a clear sight triangle. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the centerlines of the intersection streets, except that a clear sight triangle of two hundred feet (200') shall be provided for all intersections with or of arterial highways. In addition, sight distance shall meet the requirements of PennDOT Publication 201 , Engineering and Traffic Studies, Section 201.6.16 or successive publication.

E. Setbacks - Road Right of Way

Signs shall be setback from the right of way a minimum of twenty (20) feet; a distance equivalent to 1.1 times the height of the Billboard; or the minimum front building setback set forth in the underlying Zoning District; whichever is greater. No part of a Billboard shall be setback more than sixty (60) feet from the nearest street right of way.

F. Setbacks — Building

In addition to any setback requirements set forth in Sections 1304 or 1305, Ground Signs shall be set back from any building a minimum of 100 feet or 1.1 times the height of the sign from any building, whichever is greater.

G. Signs shall be subject to all applicable rear and side yard building setbacks. No portion of any sign shall project over a lot line, and in no case shall be within a setback area from the rear or side yards equivalent to a distance of 1.1 times the height of the sign, unless the owner of the property over which the sign projects agrees in writing to such sign and unless an easement is filed with the Perry County Recorder of Deeds to permit such encroachment.

H. A sign permit applicant must obtain all necessary outside agency approvals prior to erection of a sign, including, but not limited to approval from the Pennsylvania Department of Transportation, as may be required. The applicant is required to provide the Township with any such agency approvals prior to the

issuance of a permit for a sign. PennDOT and any outside agency approval shall not constitute Township approval.

- I. The owner and/or operator of any Sign permitted under Sections 1304 and 1305 above shall provide (and maintain with) the Township with their current address and contact information.

Section 1307: Removal of Signs

A. Unsafe Signs

All Signs and Billboards shall be properly and regularly maintained and shall at all times be kept in a safe and operational manner. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

B. Abandoned Signs

A sign structure which has been discontinued for a period of 90 consecutive days (in that no advertising content or message has been displayed on the sign within such time), shall be presumed to be abandoned. In such an instance, the Township Zoning Officer may provide written notice to the landowner, directing that the landowner/sign owner advise as to its intent to continue the use of the sign. The notice shall advise the Zoning Officer within thirty (30) days' receipt of such notice (unless extended in writing by the landowner/sign owner that, if the landowner/sign owner fails to provide written notice to the Zoning Officer) of its intent to continue the use of the sign, then the sign shall be construed to be abandoned by the Township and the permit for the same shall be revoked. If the landowner/sign owner provides written notice of the intent to continue the use of the sign, then the permit for such sign shall remain in effect (unless and until a future Abandonment Notice is transmitted to the landowner/sign owner pursuant to this Section). If the landowner fails to do so, then the Zoning Officer shall issue a notice to the landowner/sign owner to revoke the permit for the sign and such sign may not be considered to be nonconforming with respect to any past or future zoning ordinance amendments.

The Township may then take any and all actions pursuant to this Ordinance and otherwise pursuant to the law (including, but not limited to an injunction).

C. Nonconforming-Signs

All existing signs which do not conform to the requirements of this Article, but which have predated the adoption of this Ordinance or have valid permits issued by the Township, shall be nonconforming. Any lawful nonconforming sign may remain in place while maintained in good condition and not abandoned, provided that such nonconforming sign may not be changed, expanded or altered in size, dimension, location or use. Once a sign is removed and abandoned for any reason, the replacement sign must comply with all the provisions of this Article.

Section 1308: Permits and Inspections

- A. Any sign to be erected in the Township that is not exempt under Section 1302 shall require a permit. No sign shall hereafter be erected or altered until such time as the Zoning Officer issues a permit.
- B. No permit to erect a sign shall be issued until the required fee has been paid to the Zoning Officer, which fee shall be established by resolution of the Board of Supervisors.

- C. Application for a sign permit shall be made in writing to the Zoning Officer and shall contain all information necessary to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance. All applications for sign permits shall be accompanied by plans or diagrams to scale and shall show the following:
1. Exact dimensions of the lot, including any right- of-way lines, or building upon which the sign is to be erected;
 2. Exact size, dimension, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation;
 3. Any other lawful information that may be required of applicant by the Zoning Officer; and
 4. The Zoning Officer shall inspect and approve the installation of all signs and shall make periodic inspections to determine conformity of the signs to these regulations.

Article 14 - Lighting

Section 1401: Purpose

- A. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
- B. Protect drivers and pedestrians from the disabling glare of non-vehicular light sources.
- C. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly aimed, placed, applied, maintained or shielded light sources.
- D. Promote energy efficient lighting design and operation.
- E. Protect and retain the intended character of the various portions of the Township.

Section 1402: Applicability

- A. Uses that are proposed to operate during hours of darkness where there is public assembly and traverse, including but not limited to the following: residential, multi-family residential, commercial, industrial, institutional, public recreational/sports, and sign, architectural and landscape lighting.
- B. The Township may, in its sole discretion, require the illumination of residential subdivisions.
- C. The Township may, in its sole discretion, require lighting to be incorporated for other uses or locations or may restrict lighting in any of the above uses, as deemed necessary.
- D. Any and all lighting required by this ordinance and/or the Board of Supervisors shall be erected and maintained at the sole expense of the developer/owner, including electrical power costs.

Section 1403: Lighting Criteria

A. Illumination Levels

- 1. Lighting, where required by this Ordinance or otherwise required by the Board of Supervisors, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook and relevant IESNA Recommended Practices or as otherwise specified herein.
- 2. Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the Township.

B. Lighting Fixture Design

- 1. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township. Street lighting supplied with unmetered electric service shall meet the specifications of the electric utility.
- 2. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas

of vehicular and pedestrian passage, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall be full cutoff or fully shielded, unless the aggregate wattage per-fixture does not exceed the output of a standard non-directional 40-watt incandescent lamp, i.e., 500 lumens, in which case non-cutoff fixtures shall be permitted.

3. "Bam lights," aka "dusk-to-dawn lights," shall not be permitted where they are visible from other uses unless fitted with a reflector or other device to render them fully shielded or full cutoff.

C. Control of Nuisance and Disabling Glare (Excessive Brightness in the Field of View)

1. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
2. Floodlights and spotlights that are not full-cutoff or fully shielded, where specifically approved by the Township, shall be so installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
3. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
4. The level of illumination projected onto a residential use from another property shall not exceed 0.1 initial vertical foot-candle, measured line-of-sight at the property line. The level of illumination projected onto a non-residential use shall not exceed 1.0 initial vertical foot-candle measured line of sight at the property line.
5. Directional fixtures for such applications as facade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall not be in conflict with the Township's aim to maintain its intended character.
6. Only the United States and State flag shall be permitted to be illuminated from dusk until dawn and each flag shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag(s).
7. Canopy lighting, for such applications as gas/service stations, bank, drugstore and fast-food drive-thru, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.
8. Temporary residential holiday lighting is exempt from the requirements of this Section except if it creates a hazard or nuisance.

D. Agricultural Use Criteria

For agricultural uses, the following criteria shall apply:

1. No lighting shall be permitted that shines directly onto an adjacent residence.
2. No lighting shall be permitted that creates a hazard by shining onto a public right-of-way.

E. Recreational Uses

When facilities for such outdoor recreational activities as baseball, tennis, football, miniature golf or any other recreational use permitted under the Howe Township Zoning Ordinance, are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

1. Lighting shall be accomplished only through the use of fixtures conforming to IESNA criteria, or as otherwise approved by the Howe Township based on suitable control of glare and light trespass.
2. Trap shooting facilities, golf driving ranges and race tracks shall not be illuminated unless it can be demonstrated that such lighting will not create a nuisance, shine on or into any nearby residential properties or be visible to traffic on any nearby streets, roadways, or institutional or commercial parking lots. In any case, if lighting is permitted at these facilities, it shall not be accomplished by using any horizontally aimed fixtures or floodlights nor shall these fixtures be aimed at an angle up to 80 degrees from vertical.

F. Signs and Billboards

1. For the lighting of billboards and externally illuminated signs, fixtures shall be designed, fitted and aimed to limit the light pattern to the sign or billboard, so as not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway.
2. Billboards and externally illuminated signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward.
3. The maximum initial illumination on the face of an externally illuminated billboard or sign shall not exceed 30 vertical foot-candles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
4. The illumination of billboards shall be limited to commercial zoning districts.
5. The illumination of billboards within 400' of a residential zone or use shall not be permitted.
6. Rotating, flashing, pulsing, "marching" or oscillating light sources, lasers, beacons or strobe lighting shall not be permitted.
7. LED light sources nor signage shall be permitted.
8. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

9. The lighting or relighting of signs or billboards shall require a Building Permit, which shall be granted only when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been mitigated to the extent possible.
10. Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by-point plot of initial vertical illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, monitoring locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting by the required hour.

Article 15 - Amendments

Section 1501: Procedure

The Township Board of Supervisors may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend, supplement or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission and County Planning Agency for their recommendations at least thirty (30) days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the Ordinance or amendment by the Township Board of Supervisors, the Township shall submit the proposed ordinance or amendments to the Perry County Planning Commission for recommendations. In addition, if the proposed amendment involves a zoning map change, notice of the said public hearing shall be conspicuously posted by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

Section 1502: Procedure Upon Curative Amendments

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.

Section 1503: Content of Public Notice

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

Section 1504: Publications After Enactment

After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws with regard to the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the municipality where such copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Zoning ordinance and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

Within thirty (30) days after the enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Perry County Planning Commission.

Article 16 – Administration and Enforcement

Section 1601: Appointment and Powers of Zoning Officer

For the administration of this Zoning Ordinance, a Zoning Officer, who may 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. The Zoning Officer shall have a working knowledge of zoning and meet qualifications established by the Township.

Section 1602: Enforcement

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the governing body may require. Permits for construction and uses which are a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

Section 1603: Zoning Appeals

The governing body shall appoint a Zoning Hearing Board which shall be composed of three members (or alternates), organized, empowered and conducted in accordance with Article IX of the Planning Code, existing or hereafter as amended and supplemented. The duly established Zoning Hearing Board shall have the following functions:

A. Hearings

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Code. Written notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board and in the absence of such Rules, as required by the Planning Code. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.

B. Jurisdiction

The Zoning Hearing Board shall exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1 (a) (2) of the Planning Code.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order of the registration or refusal to register any nonconforming use, structure or lot.
4. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
5. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 910.2 of the Planning Code.
6. Applications for special exceptions under the zoning ordinance or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1 of the Planning Code.
7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
8. Appeals from the Zoning Officer's determination under section 916.2 of the Code.
9. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications associated with Article V (Subdivision and Land Development) and Article VII (Planned Residential Development) of the Planning Code.

C. Variances

The Zoning Hearing Board shall hear request for variances where it is alleged that the provisions of this ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board shall prescribe the form of application and require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the ordinance in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
5. That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.
6. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance and of the Planning Code.

Section 1604: Permits

- A. **Requirements of Permits.** A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.
- B. **Application for Permits.** All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- 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 provisions of this Ordinance, as well as the provisions of all other applicable ordinances.
 - 2. Zoning Officer shall act upon request within (30) days following application.
 - 3. A permit issued hereunder shall become void twelve (12) months after 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.
- D. **Temporary Permits**

A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding two (2) years.

Section 1605: Certificate of Nonconformance

Certificate of Nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Ordinance, is identified as containing a nonconforming use, structure or lot. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

- A. Such Certificate of Nonconformance shall be requested by the property owner and issued by the Zoning Officer within one hundred eighty (180) days after the effective date of this Ordinance.
- B. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property.
- C. A copy of the Certificate of Nonconformance shall be retained and filed by the Zoning Officer.

- D. The Certificate shall be for the purpose of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Ordinance.
- E. The burden of establishing the Nonconformance shall be on the owner.

Section 1606: Fees

- A. The Township Board of Supervisors shall establish, by resolution adopted from time to time, a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.
- 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.

Section 1607: Inspection

- A. Inspection by the Zoning Officer

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

- 1. At the Beginning of Construction.
 - a. 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.
 - b. 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. At the Completion of Construction.

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

Section 1608: Certificate of Use

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Ordinance.
- B. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a Certificate of Use shall have been issued by the Zoning Officer.
- C. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.

- D. A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
- E. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

Section 1609: Violations

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

A. Notice of Violation

- 1. When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent or occupant, or contractor, such violation shall be discontinued immediately.
- 2. All appeals from determinations by the Zoning Officer under this section shall be to the Zoning Hearing Board within thirty (30) days of the date of determination.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the proper officer of the Howe Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a land owner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

- 1. Any person, partnership or corporation who or which has violated or permitted the 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 judgement of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied, or payable until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination or a violation. All judgments, costs and reasonable attorney fees collected for the violation shall be paid over to the Township of Howe.
- 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 judgement.

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 1610. Appeals and Applications

- A. An appeal, or application for an amendment, or variance from the terms of this Ordinance shall be filed with the Zoning Officer, and shall contain:
 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 the 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, Township Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

Section 1611: Validity

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

Section 1612: Severability

If any sentence or clause, section, or part of this section is found to be unconstitutional, illegal, or invalid, such findings shall not affect or impair any of the remaining parts of this section. It is hereby declared to be the intent that this section would have been adopted had such a part been included.

Section 1613: Interpretation, Purpose, and Conflict

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

Section 1614: Repealer

It is the intent of the Howe Township Board of Supervisors that the Zoning Ordinance and Zoning Map of Howe Township, Perry County, Pennsylvania, in effect as of the Effective Date of this Ordinance are hereby repealed. This Ordinance and Zoning Map are not amendments to the existing ordinance and zoning map, but instead shall replace the prior ordinance and zoning map in their entirety.

ORDAINED AND ENACTED, at a duly convened meeting, this 2ND day of July,
2026.

Attest:

HOWE TOWNSHIP, PERRY COUNTY,
PENNSYLVANIA

Nancy Cangiole
Secretary

By: Patricia A. Shugh Chairman
Charles W. Bush Vice-Chairman
Joseph R. ... Supervisor

(SEAL)