

CHAPTER 27

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ZONING MAP

PART 1

PURPOSE AND JURISDICTION

§27-101. TITLE.

An ordinance regulating the use of land area, watercourses and water bodies; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water 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; and the density of population and intensity of use. This Chapter may be cited as the "Rockefeller Township Zoning Ordinance."

(Ord. 7, 6/2/1972, §100)

§27-102. JURISDICTION.

1. **Grant of Power.** Section 601 of the Pennsylvania Municipalities Planning Code (Act 247) provides that the Board of Supervisors of the Township of Rockefeller may implement a Comprehensive Plan or accomplish any of the purposes of Act 247 by enacting a zoning ordinance within the Township.
2. **Applicability.** This Chapter requires that, within the Township of Rockefeller, in the County of Northumberland and the Commonwealth of Pennsylvania, no land, body of water or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.
3. **County Authority.** The Northumberland County Planning Commission is empowered under §304 of the Pennsylvania Municipalities Planning Code (Act 247) to submit its recommendations upon the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposals shall be submitted to the County Planning Commission at least 30 days in advance of action by the applicable municipality.

(Ord. 7, 6/2/1972, §110)

§27-103. PURPOSES.

1. **General Purposes.** The zoning regulations and districts herein set forth have been made in accordance with the Comprehensive Plan and are designed to:
 - A. Promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.

- B. Prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 2. **Community Development Objectives.** This Chapter provides a legal basis and framework for future community development. Its provisions are guided by the goals, objectives and proposals contained within the Township of Rockefeller Comprehensive Plan.

(Ord. 7, 6/2/1972, §120)

§27-104. ENFORCEMENT NOTICE.

- 1. If it appears to the Township of Rockefeller that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- 2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
- 3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 7, 6/2/1972, §130; as amended by Ord. 02-03, 6/11/2002, §1)

§27-105. 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 Chapter, the Board of Supervisors or its agent, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of Rockefeller at least 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.

(Ord. 7, 6/2/1972; as added by Ord. 02-03, 6/11/2002, §1)

§27-106. REMEDIES.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Rockefeller, pay a judgment of not more than \$1000.00 plus all court costs, including reasonable attorney fees incurred by the Township of Rockefeller as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial judge. If the defendant neither pays nor timely appeals the judgment, the Township of Rockefeller may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial judge and thereafter each day that a violation continues shall constitute a separate violation.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of Rockefeller, or its appointed agent, the right to commence any action for enforcement pursuant to this Section.
4. Magisterial judges shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 7, 6/2/1972, §130; as amended by Ord. 02-03, 6/11/2002, §1)

§27-107. SEVERABILITY

1. If a section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter

PART 2

DEFINITIONS

§27-201. GENERAL.

1. **Intent.** Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Chapter, the meanings contained herein.
2. **Inclusion.** As used in these regulations, words expressed in their singular include their plural meanings; and words expressed in the plural include their singular meanings. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory.

3. **Organization.**

BOARD - the word "Board" or the words "Zoning Hearing Board" always mean the Township of Rockefeller Zoning Hearing Board.

COMMISSION - the word "Commission" or the words "Planning Commission" shall always mean the Township of Rockefeller Planning Commission.

COMPREHENSIVE PLAN - the words "Comprehensive Plan" shall always mean the complete plan for the continuing development of the Township of Rockefeller as recommended by the Planning Commission and currently adopted by the Board of Supervisors of Rockefeller Township.

COUNTY - the word "County" shall always mean Northumberland County.

GOVERNING BODY - the words "governing body" shall always mean the Board of Supervisors of Rockefeller Township.

MUNICIPALITY - the word "municipality" or "municipal" shall always mean the Township of Rockefeller.

REGION - the word "region" shall always mean those member municipalities of the Susquehanna Regional Planning Commission, Northumberland County, Pennsylvania.

TOWNSHIP OF ROCKEFELLER - The words "Township of Rockefeller" shall always mean the Board of Supervisors of Rockefeller Township.

(Ord. 7, 6/2/1972, §200)

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§27-202. DEFINITIONS.

The following words or phrases, when used in these regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be used with a meaning of standard usage:

ABANDONED VEHICLE - any vehicle in non-service condition or without having both a current inspection sticker and current registration plate. This shall not include active restoration or repair situations which are covered and out of sight. Work being performed on such vehicles shall be done in a timely manner. Farming related equipment is exempt from this definition.

AGENT - any person, other than the developer who, acting for the developer, submits to the Commission and Board of Supervisors plans for the purpose of obtaining approval thereof.

AGRICULTURE (General) - The cultivation of the soil and the raising and harvesting of the products of the soil, including, but not limited to, nursery, horticulture, forestry and animal husbandry.

AGRICULTURE (Intensive, Including Concentrated Animal Operations [CAO]) Specialized agricultural activities including but not limited to mushroom, egg and poultry production, and dry lot livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities also include those activities involving more than two (2) animal units per acre. An animal unit or Animal Equivalent Unit (AEU) as defined by the Pennsylvania Department of Environmental Protection in Pennsylvania Act 6 of 1993 as amended (The Nutrient Management Act) is: "one-thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit."

The number of AEU's on the agricultural operation shall be calculated in accordance with Act 6, and any amendments thereto, by using the steps and tables listed in Section Z27-403 of this Ordinance.

ALLEY - a right-of-way providing secondary vehicular access to the side or rear of two or more properties.

ALTERATION - as applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or increasing in height or the moving from one location or position to another.

AREA -

- A. **BUILDING AREA** - 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.

- B. **FLOOR AREA** - the sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter or any such floor space intended and designed for accessory heating and ventilating equipment.
- C. **LOT AREA** - the area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement.

BASEMENT - a story, partly underground but having ½ or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining floor area only if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or if used for business or dwelling purposes.

BED and BREAKFAST - A single-family detached dwelling, where between one and ten rooms are rented to overnight guests on a daily basis for periods not to exceed one week. Meals and, where applicable, alcoholic beverages may be offered only to registered overnight guests.

BUILDING - an erection or structure intended for use and occupancy as a habitation or for some purpose of trade, manufacture, ornament or other use; any structure affording shelter to persons, animals or property. The word "building" shall include any part thereof.

- A. **ACCESSORY BUILDING** - a subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- B. **PRINCIPAL BUILDING** - a building in which is conducted or intended to be conducted the principal use of the lot on which it is located.

BUILDING CODE OFFICER - Individual or entity licensed by the Pennsylvania Department of labor and Industry to administer the Uniform construction Code.

BUILDING COVERAGE - that percentage of the plot or lot area covered by the building area.

BUILDING HEIGHT - a vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING SETBACK LINE - a line within a property defining the required minimum distance between any structure and the adjacent street line.

CARTWAY - the portion of a street or alley intended for vehicular use.

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CELLAR - a story, partly underground and having more than ½ of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage but it may be used for dwelling purposes if specifically designed and finished for such purposes.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at street intersections defined by two street lines and by a line of sight between two points on the street lines at a given distance from the intersection.

CONDITIONAL USE - a use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.* [Ord. 02-03]

DANGEROUS STRUCTURE - an abandoned, unoccupied or occupied building in a state of disrepair which creates a danger to persons, is unsightly, or is located along a public right-of-way.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township of Rockefeller lies. [Ord. 02-03]

DEDICATION - the deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

- A. The Board of Supervisors;
- B. The Zoning Hearing Board; or,
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 02-03]

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

DISTRICT - a zoning district as laid out on the Rockefeller Township Comprehensive Plan Map #12-1 FLU, along with the regulations pertaining thereto.

DOUBLE FRONTAGE LOT - a lot with front and rear street frontage.

DRIVEWAY - a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DWELLING - a building containing one or more dwelling units.

- A. **DWELLING UNIT** - any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.
- B. **MULTIPLE FAMILY DWELLING** - a dwelling containing two or more dwelling units not having independent outside access and not having party walls forming a complete separation between individual dwelling units. Single-family attached dwellings are specifically excluded from this definition.
- C. **SINGLE-FAMILY ATTACHED DWELLING** - a dwelling containing only one dwelling unit from ground to roof, independent outside access and a portion of one or two walls in common with adjoining dwellings
- D. **SINGLE-FAMILY DETACHED DWELLING** - a dwelling having only one dwelling unit from ground to roof, independent outside access and open space on all sides.

FAMILY - one or more persons related by blood, marriage or adoption and any domestic servants or gratuitous guests thereof or a group of not more than five persons who need not be so related and any domestic servants or gratuitous guests thereof who are living together in a single nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of a family.

FENCE - any structure constructed or erected for the purpose of screening one property from another either to assure privacy or protect the property screened.

FUTURE RIGHT-OF-WAY -

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

GROUP HOME - An appropriately licensed establishment which provides full-time ambulatory care for one or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition; providing, a lot area of not less than the minimum lot size required within the Zoning District, or (2,000) square feet per patient, whichever is greater, is provided.

INFESTATIONS - The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

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JUNK - Including, but not limited to, unused or abandoned appliances (including air conditioners), all forms of waste and refuse type materials, including scrap metal (not neatly stored), tires, glass, industrial waste or the like.

LANDOWNER - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than 40 years or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this Chapter.

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. [Ord. 02-03]

- A. **LOT OF RECORD** - a lot which has been recorded in the Office of the Recorder of Deeds of Northumberland County, Pennsylvania.
- B. **CORNER LOT** - a lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersecting at an angle of less than 135 degrees.
- C. **THROUGH LOT** - an interior lot having frontage on two parallel or approximately parallel streets.
- D. **LOT DEPTH** - the mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- E. **LOT WIDTH** - the distance measured between the side lot line at the required building setback line. In a case where there is only one side lot line, between such lot line and the opposite rear lot line or street line.

LOT LINES - any boundary line of a lot.

- A. **REAR LOT LINE** - any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line and, in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.
- B. **SIDE LOT LINE** - any lot line which is not a street line or a rear lot line.
- C. **STREET LINE** - the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way; provided, that where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

MARGINAL ACCESS STREET - minor streets, parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.

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 and constructed so that it may be used without a permanent foundation. [Ord. 02-03]

MOBILE HOME COURT /PARK-A parcel of land under single ownership which has been planned and improved for the placement of mobile homes occupied for dwelling or sleeping purposes and for nontransient use, providing the mobile home court development provisions contained in the Rockefeller Township Subdivision and Land Development Ordinance [Chapter 22] are met.

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Ord. 02-03]

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 02-03]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 02-03]

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 02-03]

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 02-03]

NUISANCE - unreasonable or unlawful use of private property which may constitute a health, fire or safety hazard or cause injury, damage, inconvenience, annoyance or discomfort to any person or resident affected by same. Abandoned vehicles, dangerous structures, infestations, junk, trash, garbage and rubbish are considered nuisances.

OCCUPANCY PERMIT - a permit stating that all work indicated on a Uniform Construction Code building permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with this Chapter and the building or lot may be occupied.

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PUBLIC GROUNDS - includes:

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

[Ord. 02-03]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this Chapter. [Ord. 02-03]

PUBLIC MEETING - a forum held pursuant to notice under the Act of June 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 *et seq.* [Ord. 02-03]

PUBLIC NOTICE - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township of Rockefeller. 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 7 days from the date of the hearing. [Ord. 02-03]

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a Solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 02-03]

REVERSE FRONTAGE LOT - a lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

RIGHT-OF-WAY - land set aside for use as a street, alley or other means of travel.

ROOMER, BOARDER or LODGER - a person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified, for purposes of this

Chapter, not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

SEWAGE FACILITY -any sanitary sewer, sewage system, sewage treatment works or parts thereof designed, intended or constructed for the collection, treatment and satisfactory disposal of sanitary wastes (including industrial waste).

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.* [Ord. 02-03] provided that the Zoning Hearing Board authorizes the issuance of a zoning permit.

STORY - that part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having 75% or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two opposite exterior walls is not more than 2 feet above such story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. [Ord. 02-03]

- A. **ARTERIAL STREET**- streets serving large volumes of comparatively high-speed traffic, including those facilities designated Class 1 and 2 highways by the Pennsylvania Department of Transportation.
- B. **COLLECTOR STREET** - streets which, in addition to giving access to abutting properties, intercept minor streets and provide routes to community facilities and major traffic streets.
- C. **LOCAL STREETS** - streets primarily used for access to abutting properties and generally serving internally developed areas.

STRUCTURE - any manmade object having as ascertainable stationary location on or in land or water, whether or not affixed to the land.

TRASH / GARBAGE / RUBBISH - including, but not limited to household trash, paper, cartons, boxes, barrels (not actively used for lawful burning), wood, furniture, bedding, metals, cans, etc.

TOWNSHIP ENFORCEMENT OFFICER - the duly appointed municipal official Designated by all governing bodies as the administering and enforcing officer for this Chapter.

TRAVEL TRAILER / MOTOR HOME - a vehicle designed for temporary human habitation which may or may not be equipped with running water, bath facilities, flush toilet or appropriate sanitary connections.

UCC - The Uniform Construction Code (Act 45 of 2001 of the Commonwealth of Pennsylvania)

USE - any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

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- A. **ACCESSORY USE** - a use located on the same lot with a principal use and clearly incidental or subordinate to and customary in connection with the principal use.
- B. **PRINCIPAL USE** - the main use on a lot.

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 02-03]

WATER FACILITY - any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

YARD - an open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

- A. **FRONT YARD** - a yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.
- B. **REAR YARD** - a yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- C. **SIDE YARD** - a yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ZONING MAP - The boundaries of the zoning districts are delineated on the map entitled "Rockefeller Township Future Land Use Plan, Plat #12-1 FLU" contained in *The Rockefeller Township Comprehensive Plan*.

ZONING PERMIT - a building permit or occupancy permit or both, whichever is required in a specific circumstance.

(Ord. 7, 6/2/1972, §210; as amended by Ord. 02-03, 6/11/2002, §1)

PART 3
ZONING DISTRICTS

§27-301. DISTRICTS ESTABLISHED.

1. **Classification of Districts.** The Township of Rockefeller is hereby divided into districts of different types, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use deemed most suitable to carry out the objectives of this Chapter. The districts are established and designated as follows:

C	Conservation Districts
A	Agricultural Districts
RA	Residential / Agriculture Districts
AH	Agricultural Holding Districts
VC	Village Center Districts
TV	Traditional Village
MU	Mixed Use
NC	Neighborhood Commercial
CI	Commercial / Industrial Districts
WP	Watershed Protection Overlay

2. **Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries of a district as indicated on a Zoning Map, the following rules shall apply:
- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, such centerlines shall be construed to be such boundaries.
 - B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
 - C. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefrom as indicated on the Zoning Map.

(Ord. 7, 6/2/1972, §300)

§27-302. STATEMENTS OF PURPOSE AND INTENT.

1. Conservation Districts (C).

The presence of natural features within Rockefeller Township has been recognized as important to the Township's rural character. Those lands having forested areas, steep slopes, streams, flood plains, wetlands, and other environmental features have been considered in the development of the Conservation planning area.

It is recommended that these areas be preserved in their undeveloped state, be retained for silva-culture and light agriculture, or be developed residentially at extremely low densities with appropriate conservation measures.

2. Agricultural Districts (A).

Agricultural land is considered to be an important, but not limiting, resource in Rockefeller Township. In general, Agricultural Security areas as identified in the Land Use Map 3-5 and areas that contain significant amounts of agricultural soil were identified as an Agriculture planning area. It is not the intent to limit development of this area, but to establish suitable densities that will allow reasonable development while not interfering with normal and advanced farming practices.

3. Residential Agriculture (RA).

The Residential Agriculture planning area has been proposed to account for existing residential development areas that are intermingled with active agricultural areas. This land use classification supports continued residential development. A higher density would be permitted if served by a public water and a public sewerage system and designed in a conservation fashion.

4. Agricultural Holding Districts (AH).

The Agricultural Holding Area is located in the southern portion of the Township, between SR 4026 and SR 4024. The area contains prime agricultural soils. Similar to the Agricultural District, this district is intended to protect the agricultural viability of the Township, preserve prime agricultural soils, protect groundwater quality, and protect against the deteriorating effects of development.

5. Village Center Districts (VC).

This district provides for the continued "Rural village" development pattern exhibited at Wolfe's Crossroads. This area has the greatest opportunity to be served by public facilities should a public health issue surface or new policies be developed on the extension of public facilities into the Township. A higher density would be permitted if served by a public water and a public sewerage system and designed in a conservation fashion.

6. Traditional Village (TV).

This category includes the traditional villages of Seven Points and Augustaville. This District is designed to accommodate existing village style development patterns that are not consistent with the surrounding environs and development patterns. These areas are not designated as growth areas. The Traditional Village District will continue to provide for single-family, detached dwellings.

7. **Mixed Use (MU).**
This category provides for a mix of residential and professional type uses and is located along SR 61. Single family conversions to professional offices should only occur when adequate buffering and landscaping regulations are in place and the existing sewer disposal system is operating efficiently and is able to handle a change in use without malfunctioning. Density will be determined dependent on being served by a public water and a public sewerage system and designed in a conservation fashion.
8. **Neighborhood Commercial (NC).** This planning District is located along SR 890 just north of the Village of Augustaville. Uses located within this District should be low impact, low traffic volume generators. Uses within this District should be tailored to the immediate needs of the residents of the Township and the agricultural community and not be developed as a regional destination point.
9. **Commercial / Industrial (CI).**
Rockefeller Township recognizes the fact that commercial or industrial enterprises may desire to locate within the Township in the future and has provided for such development. This District would lend itself to higher intensity, higher traffic volume uses. This proposed area is located west of Wolfe's Crossroads and south of SR4018 and is currently being used as an automotive junkyard. Before any future development could be done in this area, proper landscaping, buffering, outdoor lighting, and groundwater protection regulations would need put in place.
10. **Watershed Protection (WP).** Rockefeller Township has an important role in protecting the natural environment of the region, including its water supply resources. This District is proposed as an overlay district in the Township and would be applied to Little Shamokin Creek, Plum Creek, and the tributaries to both creeks. The purpose of the overlay district is to protect the quality of water by requiring conservation minded development within this District, which includes utilizing best management practices in stormwater management and stream buffering.

(Ord. 7, 6/2/1972, §310)

PART 4

USE REGULATIONS

§27-401. APPLICABILITY.

Except as provided by law or in this Chapter, no building, structure or land in each district shall be used or occupied except for the purposes permitted in the district in the Section of this Part applicable thereto.

(Ord. 7, 6/2/1972, §400)

§27-402. PERMITTED USES.

1. **Uses Permitted by Right.** A use listed in §27-403 is permitted by right in a district under which it is denoted by the letter "P," subject to all applicable requirements contained within this Chapter and after a zoning permit has been properly issued.
2. **Conditional Uses.** A use listed in §27-403 is permitted by right in a district under which it is denoted by the letter "C," provided the Board of Supervisors, in accordance with §27-1002(2), authorizes the issuance of a zoning permit by the Zoning Officer and subject to all applicable requirements contained within this Chapter.
3. **Uses Permitted by Special Exception.**
 - A. A use listed in §27-403 is permitted in a district under which it is denoted by the letter "S" provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the specific requirements of §27-403 and §27-1102(3), as well as all other applicable requirements of this Chapter and such further restrictions that said Board may establish.
 - B. Any use existing on the effective date of this Chapter which is classified as permitted by special exception in the district in which the land occupied by the use is located shall be deemed to have been granted a special exception subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedure specified in Parts 9 and 10.
4. **Uses Not Permitted.** A use listed in §27-403 is not permitted in a district under which it is denoted by the letter "N."

(Ord. 7, 6/2/1972, §410)

§27-403. TABLE OF USE REGULATIONS.

1. Agricultural Uses.

A. Animal Husbandry.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	N	N	N	S	S

The raising and keeping of livestock and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Chapter shall not be construed as animal husbandry; providing, that the minimum lot size in residential agriculture areas shall not be less than 10 acres. In addition, there shall be the following restriction on residential agriculture areas:

- (1) No barns, animal shelters, feed yards or other agricultural accessory buildings shall be located closer than 100 feet from any side or rear lot line.
- (2) The construction of new buildings which, by their size or nature, will inhibit future residential or industrial developments shall not be permitted.

B. Kennel or Stable.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	S	P	N	N	C	S	S

Any lot on which animals are kept, boarded or trained for a fee, whether in special buildings or runways or not including, but not limited to, dog and cat kennels, horse stables or riding academies; providing no animal shelters or runs shall be located closer than 200 feet from any lot line.

C. Crop Farming.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	N	C	C	C	C

The raising, processing, keeping and sale of field, truck and tree crops.

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D. **Wind Machine.**

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	S	S	P	P	P

A machine designed to generate wind for the purpose of protecting agricultural crops.

E. **Wind Turbine (Commercial)**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	S	S

A machine designed for the generation of electricity for the purpose of selling the generated electricity for profit.

F. **Wind Turbine (Residential)**

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	S	S	P	P	P

A machine designed for the generation of electricity for the purpose of supplying electricity to a single, owner-occupied residence.

G. **Greenhouse.**

C	A	RA	AH	VC	TV	MU	NC	CI
C	P	C	P	N	C	C	P	P

Provided any goods sold in connection with such greenhouse.,in C, A, AH and RA Districts be subject to the provisions of §27-403(8)(C).

H. **Waste Disposal.**

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Farms, or land which will be in the future used for farming operations, consisting of 5 acres or more shall not be restricted from the disposal of waste materials produced by themselves within the confines of said farm property, providing it does not violate any Federal, State or local laws.

I. **Intensive Agricultural Use .**

C	A	RA	AH	VC	TV	MU	NC	CI
N	S	N	S	N	N	N	N	N

1. Already existing farm operations are excluded.
2. Within the A, and AH Districts, intensive agricultural activities as defined in Section Z27-202 may be permitted by Special Exception, subject to the following criteria:
3. All intensive agricultural uses and uses defined as Concentrated Animal Operations (CAO's) by Pennsylvania Act 6 of 1993 as amended shall have a minimum lot area of at least forty (40) acres.
4. Identification of CAO's
 - (a). Procedure. To determine if a particular agricultural operation is a CAO which is required to develop a nutrient management plan, the number of Animal Equivalent Units (AEU's) per acre on the agricultural operation shall be calculated using the procedure set forth below.
 - (i). Multiply the average number of animals on the agricultural operation on a typical production day by the standard animal weight contained in Table A to equal a total weight. Non-standard weights may be used in place of those in Table A, if there is sufficient documentation to support the use of the non-standard weights. For those animal types not included in Table A, the average animal weight(s) for the operation shall be used for this calculation, taking into account, where applicable, the range of animal weights throughout the production cycle of the animal.
 - (ii). Multiply the total weight reached in subparagraph (i) by the number of production days per year, then divide by 365 days.
 - (iii). Divide the number reached in subparagraph (ii) by 1,000 to equal the number of AEU's for each type of animal.
 - (iv). Total the number of AEU's for each type of animal to equal the total number or AEU's on the agricultural operation.
5. The number of AEU's per acre shall be calculated by dividing the total number of AEU's by the total number of acres of land suitable for the application of manure to equal the number of AEU's per acre.

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- (i). Land suitable, for the sole purpose of determining whether an agricultural operation is a CAO, is land in the management control of the operator that meets all of the following criteria:
 - (1). The land is cropland, hayland or pastureland that is an integral part of the agricultural operation, as demonstrated by title, rental agreements, crop records or form provided by the Commission.
 - (2). The land is or will be used for the application of manure generated by the agricultural operation.
 - (ii). The term "land suitable" does not include farmstead areas or forest land.
6. Example of AEU per acre calculation. An operation has an average number of 10,000 medium broilers on a typical production day with an average weight during production of 2.3 pounds. During the year there are six flocks with a production time of 43 days per flock. This amounts to 258 production days per year. During the remaining downtime, no manure is produced. The farmstead is 2 acres. There are 3 acres of woodlands and 7 acres of cropland. The following is the AEU per acre calculation for this operation:
- STEP 1:** 10,000 med. Broilers x 2.3 lb. avg. wt. = 23,000 lb. total wt.
 - STEP 2:** 23,000 lb. total wt. X 258 production days per year divided by 365 days = 16,257 lb.
 - STEP 3:** 16,257 lb. divided by 1000 lb. per AEU = 16.26 AEU's
 - STEP 4:** Total number of AEU's on the agricultural operation is 16.25
 - STEP 5:** 16.25 AEU's divided by 7 acres of suitable land = 2.3 AEU's per acre.

(Final draft Nutrient Management Regulations approved by NMAB on Dec. 11th, 1996)

TYPE OF ANIMAL	STANDARD WEIGHT IN POUNDS DURING PRODUCTION (RANGE)
SWINE	
Nursery Pig	30 (15-45)
Finishing Pig	145 (45-245)
Gestating Sow	400
Sow & Litter	470

TYPE OF ANIMAL	STANDARD WEIGHT IN POUNDS DURING PRODUCTION (RANGE)
Boar	450
BEEF	
Calf - 0-8 mo.	300 (100-500)
Finishing - 8-24 mo.	850 (500-1200)
Cow	1150
VEAL	
Calf - 0-16 wk.	250 (100-400)
POULTRY	
Layer - 18-65 wk.	3.25 (2.75-3.76)
Layer - 18 - 105 wk.	3.48 Weighted Avg.
Layer, Brown Egg - 20-65 wk.	4.3 (3.6-5)
Layer, Brown Egg - 20-105 wk.	4.63 Weighted Avg.
Pullets - 0-18 wk.	1.42 (0.08-2.75)
Broiler, large - 0-57 days	3.0 (0.09-5.9)
Broiler, Medium - 0-43 days	2.3 (0.09-7)
Roaster	3.54 (0.09-7)
Male - 0-8 wk.	
Female - 0-10 wk.	
Turkey, Tom - 0-18 wk.	14.1 (0.12-28)
Turkey, Hen - 0-14 wk.	7.1 (0.12-14)
Duck - 0-43 days	3.56 (0.11-7)
Guinea - 0-14 to 24 wk.	1.9 (0.06-3.75)
Pheasant - 0-13 to 43 wk.	1.53 (0.05-3)
Chukar - 0-13 to 43 wk.	0.52 (0.04-1)
Quail - 0-13 to 43 wk.	0.26 (0.02-0.5)
DAIRY	
Holstein/Brown Swiss	
Cow	1300

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TYPE OF ANIMAL	STANDARD WEIGHT IN POUNDS DURING PRODUCTION (RANGE)
Heifer - 1-2 yr.	900 (650-1150)
Calf - 0-1 yr.	375 (100-650)
Bull	1500
Ayrshire/Guernsey	
Cow	1100
Heifer - 1-2 yr.	800 (575-1025)
Calf - 0-1 yr.	338 (100-575)
Bull	1250
Jersey	
Cow	900
Heifer - 1-2 yr.	600 (400-800)
Calf - 0-1 yr.	225 (50-400)
Bull	1000
Sheep	
Lamb - 0-26 wk.	50 (10-90)
Ewe	150
Ram	185
GOAT	
Kid - 0-10 mo.	45 (5-85)
Doe	125
Buck	170
HORSE	
Foal - 0-6 mo.	325 (125-625)
Yearling	750 (625-875)
Non-draft Breeds - Mature	1000
Draft Breeds - Mature	1700

TYPE OF ANIMAL

**STANDARD WEIGHT IN POUNDS
DURING PRODUCTION (RANGE)**

7. Intensive Agricultural activities delineated.
 - (i). Specialized agricultural activities including, but not limited to, mushroom production, egg and poultry production, swine production, and dry lot livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities also include those activities involving more than two (2) Animal Equivalent Units (AEU's) per acre. An animal unit or Animal Equivalent Unit (AEU) is defined by the Pennsylvania Department of Environmental Protection in Pennsylvania Act 6 of 1993, as amended (The Nutrient Management Act) as "one-thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit."
 - (ii). The number of AEU's on the agricultural operation shall be calculated in accordance with Act 6 by using the steps and tables listed herein.

8. Intensive Agricultural Use Setback Requirements. Except as provided for below, no expansion of existing structures or facilities which would result in the creation of a new Intensive Agricultural Use and no new building for on-site processing, housing livestock, area for the processing or storage of garbage or spent mushroom compost, structures for the raising of feedstock or the cultivation of mushrooms, new slaughter area, or feedlot shall be permitted within five-hundred (500) feet of any property line within or adjacent to any residential zoning district or any lots of record less than three (3) acres in size.
 - (i). Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Zoning Hearing Board may as part of the original granting of a Special Exception reduce the above special setback requirements to less than

two-hundred (200) feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community and odors which cause annoyance or discomfort to the public (Malodors) will not be detected outside the property of the person on whose the land the source is being operated.

9. Intensive Agricultural Use Regulations. Proposals for new intensive agricultural uses or for the expansion of existing agricultural uses into intensive agricultural uses shall meet the following criteria:
 - (i). The farm shall have a current Nutrient Management Plan approved by Pennsylvania Department of Environmental Protection, Bureau of Water Quality Management.
 - (ii). The farm shall have an approved Conservation Plan which has been reviewed by the Northumberland County Conservation District and updated as required to incorporate the intensive agricultural use.
 - (iii). The manure storage system shall comply with the Pennsylvania Technical Guide as developed by the Natural Resource Conservation Service. (NRCS).
 - (iv). The manure storage system shall provide at least six (6) months storage capacity.
 - (v). A Chapter 2 Erosion and Sedimentation Control Plan shall be available on site at all times.
 - (vi). A site plan shall be submitted illustrating the significant features of the land, and locations of buildings, structures, manure storage and stormwater retention facilities.
 - (vii). No stormwater in excess of preconstruction quantities shall be permitted to run off the farm property after the construction of any new buildings or structures or the clearing or grading of any land is completed. Stormwater calculations performed by an individual registered in the Commonwealth of Pennsylvania to perform such calculations shall be submitted with the application for the Special Exception. The Zoning Hearing Board may request the Township Engineer to review the calculations and make recommendations within thirty (30) days on the

content and accuracy of said Site Plan and calculations. Any landowner whose property is so studied, shall pay all costs for the review of these studies by the Township Engineer.

- (viii). The applicant shall prepare an Emergency Action Plan acceptable to the Township to address a manure handling emergency.
- (ix). For earth disturbances of one (1) acre or more, an NPDES Permit for Stormwater Discharges associated with the construction activity shall be obtained prior to the start of any earthmoving activities.
- (x). Intensive Agricultural Uses which consume Ten-thousand (10,000) gallons or more water per day shall be registered with the Susquehanna River Basin Commission (SRBC) as a Consumptive Water User. Proof of registration shall be provided with the application for Special Exception.
- (xi). To the maximum extent feasible, the location of all facilities and areas devoted to intensive agriculture shall take into account prevailing seasonal wind patterns and with consideration given to residential uses located downwind of such activities. The Site Plan requirement by sub-item 9-(vi) above shall show the direction of seasonal prevailing winds and the distance to the nearest residential zoning district or any lot of record less than three (3) acres in size.
- (xii). Where an intensive agricultural use includes the on-site processing of the product(s) produced by the intensive agricultural use, all wastes other than solid and liquid manure and mushroom soil shall be considered a Food Processing Residual (FPR) and treated on-site in accordance with "The Food Processing Residual Management Manual" published by the Pennsylvania Department of Environmental Protection, Publication 2500-BK-DER-1649.
- (xiii). No intensive agricultural products not produced on the site may be imported for processing on the site.
- (xiv). Odors arising from intensive agricultural uses shall be controlled to minimize and where practical, eliminate off-site and downwind detection of Malodors.

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- (1). Low technology odor control practices include, but are not limited to the following:
 - moisture reduction
 - aerobic condition maintenance
 - pH adjustment
 - shelter to reduce dissipation
 - water sprays to scrub the air
 - barriers to promote turbulent air mixing and dilution
 - appropriate site location
 - observance of local weather conditions
 - timing of land application activities
 - subsurface injection and incorporation
- (xv). Odor control chemicals such as masking agents, odor counteractants, odor absorption chemicals, and enzymatic biological inhibitors can also be used.
- (2). More sophisticated odor control solutions, include, but are not limited to the following:
 - improved air dispersion (stacks)
 - process modification
 - ventilation modification
 - add-on controls including wet scrubbing, dry scrubbing, condensation, incineration, biofiltration
 - chemical oxidation with chlorine or ozone
- (xvi). The applicant shall demonstrate that the intensive farming operation allows for the safe and efficient movement of all vehicles associated with the operation. The applicant shall submit information concerning traffic generation, including size of vehicles and anticipated number of trips per day: the Zoning Hearing Board may require access to be via a collector or street with adequate paving and roadway width. All motor vehicles making a right-hand into or out of the property to be able to do so without having to enter the left-hand side of a public highway.
- (xvii). All proposed entrances and exits to the intensive farming operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.

(xviii).When determined by the Zoning Hearing Board, suitable buffering shall be provided when any structure, access drive, and parking, loading or unloading areas are located within two-hundred (200) feet of adjacent residential structures.

(xix).Treatment and Disposal of Animal Wastes

- (1). All intensive agricultural uses involving more than two (2) animal equivalent units (AEU's) shall be required to maintain a current Nutrient Management Plan as mandated by PA DEP Bureau of Water Quality Management. A copy of the plan shall be filed with the Township within one (1) month of the approval of same by PA DEP.
- (2). Waste products from intensive agricultural uses may be disposed of on-site to the extent permitted in a PA DEP approved Nutrient Management Plan.
- (3). Outdoor or unenclosed storage or treatment of liquid or solid waste is prohibited within two-hundred (200) feet of any property line. Such structures shall be enclosed by fence or other means which will restrict entry by children or other unauthorized persons.
- (4). Dead animals shall be disposed of by cremation, composting, burial, or removal in accordance with Pennsylvania Act 1996 - 100 Domestic Animals. All cremation shall be by forced air, oil or gas fired equipment especially designed for this purpose. Cremation and all smoke shall cease no later than 10:00 AM of the day that the animal was collected. Smoke shall be filtered so that emissions and odors are not perceptible beyond the site boundaries.

[Ord. 3/12/1981]

2. **Residential Uses.**

A. **Single-Family Detached Dwelling .**

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

B. Single-Family Attached Dwelling.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	P	N	C	N	N

Providing:

- (1) Access to a sewage facility is immediately available.
- (2) No more than six dwelling units are attached in a single building.
- (3) Minimum lot area per dwelling unit shall not be less than 4,000 square feet for end units and 2,000 square feet for interior units.
- (4) One family attached dwellings are permitted in MU Districts only as a conditional use and as part of a cluster development under the provisions of §27-403(2)(G).

C. Conversion.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	N	N

One family dwellings converted for occupancy by not more than two families, subject to the following conditions:

- (1) The lot area per family should not be reduced thereby to less than that required for the district in which such lot is situated.
- (2) The yard, building area and other applicable requirements for the district shall not be reduced thereby.
- (3) No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.
- (4) Such conversions shall be in accordance with all applicable State and Federal regulations.

D. Multi-Family Dwelling.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	N	N

Multiple family dwellings, providing the following requirements are met:

- (1) Access to a sewage facility is immediately available.
- (2) The maximum number of dwelling units per acre shall not exceed 12.
- (3) A maximum of 0.25 square feet of floor area shall be permitted for each square foot of lot area.
- (4) Open Space.
 - (a) At least 3 square feet of lot area per 1square foot of floor area shall be open space.
 - (b) Open space is total horizontal area of all uncovered open space. Covered open space is exterior space open on its sides to weather but not open above to the sky and weather; it includes roofed porches, roofed carports and covered balconies.
- (5) Multiple family dwellings shall in all cases be considered "Land Development" and be subject to the applicable provisions of the Subdivision and Land Development Ordinance [Chapter 22].

E. Lodging House.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	N	N

A building specifically designed for the accommodation of roomers, providing:

- (1) Such use shall be accessory to and located on the same lot with a parent agricultural, religious, educational, charitable or philanthropic institution.
- (2) The lot on which such building is located has a lot area, in addition to other area requirements of this Chapter, of not less than 1,500 square feet for each person for whom accommodation is provided therein.
- (3) Necessary health permits regarding water supply and waste disposal are obtained. Must meet all applicable state and federal standards.

F. Bed and Breakfast

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	C	C	C

G. Cluster Development.

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C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	P	N	N	N	N

Planned development of single-family dwellings on lots with modified dimensional requirements, providing:

- (1) The tract of land to be developed shall be 10 acres or more in size.
- (2) Minimum lot sizes shall not be less than 43,560 square feet.
- (3) The maximum overall density shall not exceed one dwelling units per acre.
- (4) Provided that an onlot sewage system meets all requirements of the Pennsylvania Department of Environmental Protection
- (5) Minimum lot frontage shall be 150 feet.

H. **Mobile Home Court.**

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	S*	N	S*	N	N	N	N

* Provided access to a public sewer and water facility is readily available

I. **Travel Trailer Camp.**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	N	S	S	N	N

A lot or part thereof occupied or designed for occupancy by three or more travel trailers or other travel units, providing:

- (1) Spaces for use of travel trailers shall be rented by the day, week, month or year.
- (2) Trailer or motor home must have a current registration plate displayed on rear of unit.
- (3). Must meet all State and Federal regulations.

3. **Institutional Uses.**

A. **Cemeteries.**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	S	S

B. Church.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	S	S

Including convents, parish houses and other housing for religious personnel, subject to the following provisions:

- (1) Minimum lot size shall be not less than 2 acres.
- (2) Housing shall be subject to the regulations contained in this Chapter applicable to the type of housing proposed.

C. School.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	S	S

Including religious and nonsectarian, denominational, private or public school not conducted as a private gainful business, subject to a minimum lot size of 5 acres.

D. Day Nursery.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	P	C	P	P	P	N	N

Nursery school, kindergarten or other agency giving day-care to children, subject to the following provisions:

- (1) The use shall be conducted in a building designed for residential occupancy.
- (2) Outdoor play areas shall be sufficiently screened and sound insulated so as to protect the neighborhood from noise and other disturbance.
- (3) Nursery must be registered with the Commonwealth of Pennsylvania and meet all applicable State and Federal regulations.

E. Cultural Facilities.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	P	C	P	P	P	P	N

ZONING

Including art galleries, auditoriums, libraries, museums, community centers, adult education centers or other similar facility open to the public or connected with a permitted educational, philanthropic or religious use.

F. **Public Building.**

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	C	C	C

Owned or operated by Rockefeller Township.

G. **Public Recreational Facility.**

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	C	C	C

Owned and operated by an agency of the Township or other government.

H. **Golf Course.**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	N	N	S	N	N

Not including a driving range or miniature golf course, providing:

- (1) The minimum lot size shall be (40) acres.
- (2) All buildings shall be not less than (100) feet from any lot line.

I. **Private Recreation Facility.**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	N	N	S	N	N

Including camps, parks and facilities operated in conjunction with a private club or lodge, providing:

- (1) The minimum lot size shall be (5) acres.
- (2) All buildings shall be not less than (100) feet from any lot line.

J. **Private Club.**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	S	S

- (1) Operated for members only and not for profit.
- (2) The minimum lot size shall be (5) acres.
- (3) All buildings shall be not less than (100) feet from any lot line

K. Licensed Hospital.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	P	C	C

Providing:

- (1) A lot area of not less than (5) acres shall be required.
- (2) Direct access to a collector road shall be available.
- (3) Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than (1,000) square feet per bed in use for long-term care.
- (4) No building shall be located closer than (100)feet to any lot line.

L. Nursing Home.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	C	C	C

A nursing home (also commonly known is a convalescent home) is a licensed establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition; providing, a lot area of not less than 1 acre or 2,000 square feet per patient, whichever is greater, is provided.

M. Group Home.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	C	C	C

ZONING

A group home is an appropriately licensed establishment which provides full-time ambulatory care for one or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition; providing, a lot area of not less than the minimum lot size required within the Zoning District, or (2,000) square feet per patient, whichever is greater, is provided.

4. Office Uses.

A. Sole-proprietor Business Services

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, insurance agents, predominately office oriented.

B. Health and Professional Service.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	P	P	P	P	P

Limited to offices of physicians, lawyers, clergymen, teachers, dentists, architects, engineers, optical, dental and medical and related offices, laboratories and clinics.

C. Public Services.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	P	P	P	P	P

Limited to governmental offices

D. Bank or Other Financial Institution.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	P	P	P	P	P

E. Veterinary Office or Animal Hospital.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	N	N	S	S	S

Defined herein as any building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl, providing:

- (1) If only small animals are to be treated (dogs, cats, birds and the like), such hospital or office shall have a minimum lot area as specified in §27-500 in the district in which it is located.
- (2) If large animals are to be treated (cows, horses, pigs and the like), such office or hospital may be located only in an A or AH District and shall have a minimum lot size of 5 acres.

5. **Commercial Uses** (to be interpreted as major commercial usage, with separate commercial buildings).

A. **Shops and Stores.**

C	A	RA	AH	VC	TV	MU	NC	CI
N	S	S	S	P	P	P	P	P

For the sale of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint, apparel and similar items.

B. **Personal Services.**

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	P	P	P

Including barber shop, beauty parlor, laundry or cleaning agency, self-service laundry, and similar uses.

C. **Repair Services.**

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	P	P	P

For appliances, watches, guns, bicycles, locks, and similar items.

D. **Restaurant.**

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	P	P	P

ZONING

Or other place for the sale and consumption of food and beverages but without drive-in or counter service (service at table or counter facilities only).

E. Drive-in Restaurant.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	P	P	P

Or other place for the sale and consumption of food and beverages with drive-in or counter service.

F. Trade or Professional School.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	S	S	S	S	P	P	P

G. Mortuary or Funeral Home.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	S	S	S	S	P	P	P

H. Public Entertainment Facilities.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	S	S	S	S	P	P	P

Any activity operated as a gainful business, open to the public for the purpose of the public entertainment or recreation including, but not limited to, motion picture theaters, health clubs, miniature golf courses, bowling alleys, etc.

I. Motel/Hotel.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	P	P	P

A building or group of buildings for the accommodation of transient guests (chiefly motorists) containing rooms for rent.

J. Gasoline Service Station.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	P	P	P

Where gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail and normal mechanical repairs are performed, but not including body work, painting, spraying or welding or storage of automobiles not in operating condition, providing:

- (1) All activities except those required to pump fuel shall be performed within a completely enclosed building.
- (2) Fuel pumps may be located within the front yard but shall be at least 20 feet from any street line.
- (3) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
- (4) Must meet all applicable State and Federal regulations.

K. Automobile Washing Facility.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	P	P	P

L. Automotive Repair Garage.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	S	S	S	S	P	C	P

Providing:

- (1) Such use shall not include the storage of automobiles and other vehicles not in operating condition.

M. Automotive Sales.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	P	P	P

Including sale and rental of automobiles, trucks, farm equipment, trailers and boats.

N. Industrial Park Development.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	N	N	P

ZONING

Planned commercial development in the planning and developing of a tract of land under single ownership or agreement whereby various combinations of commercial uses utilize a reasonable degree of flexibility in the placement and inter-relationship of commercial uses and parking and loading facilities providing permitted uses are limited to those permitted by this Chapter in the district where such development is proposed.

6. Utilities.

A. Fire Station.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	S	S	S	S	P	P	P

B. Commercial Communication Towers and Antennas.

C	A	RA	AH	VC	TV	MU	NC	CI
S	P	S	P	S	S	P	P	P

Telephone, cellular, radio or television transmission tower, micro-relay stations and the like, providing:

- (1) Site Plan - A site plan shall be prepared and submitted for any proposed commercial communications tower pursuant to applicable zoning and subdivision ordinance requirements regarding the preparation of a site plan. No site plan is required for commercial communication antennas which are co-located on an existing commercial communications tower or structure.

The following documentation shall be provided when commercial communication antennas are co-located on an existing tower or structure:

- a. Certification by a Professional Engineer registered in the Commonwealth of Pennsylvania that the existing tower or structure upon which the antenna(s) is to be placed is capable of safely supporting the added load.
 - b. A notarized copy of the co-location agreement listing the names, addresses and telephone numbers of the land owner, tower or structure owner and operator, and co-locator.
- (2) Setback - A commercial communication tower, attached to the ground, shall be setback as follows:
 - a. The distance from the base of the proposed tower to the nearest property line or lease lot line shall not be less than the full height of the tower.

- b. Guy wire anchors, if used, shall be setback a minimum of 40 feet from any lot line.
 - c. If additional towers are present on the same lot, the distance from the base of the proposed tower to the base of the nearest tower, if it is self-supporting or the nearest guy anchor of a non-self supporting tower, shall not be less than the full height of the tallest tower.
- (3) Base - The base and supporting equipment shed of a commercial communication tower shall be surrounded by a secure fence with a minimum height of 8 feet.
- (4) Co-Location - Any 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, structure or other communications tower. A good faith effort shall require that all owners of potentially suitable structures within one (1) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
- c. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - d. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - e. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment to allow it to perform its intended function.
 - f. 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.
 - g. A commercially reasonable agreement could not be reached with the owners of such structures.
 - h. Owners and/or operators (or both) of commercial communication towers and antennas are advised that co-location on an existing tower or structure is required and that no new commercial communication towers will be permitted until all available space on existing towers or structures has been filled.
 - i. Owners and/or operators (or both) of commercial communication towers and antennas shall make space available on their towers for the co-location of additional compatible communication antennas at reasonable commercial rates that prevail within the industry.

ZONING

- (5) Landscaping - The following landscaping shall be required to screen the fence surrounding the tower and any other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping may be permitted, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
- a. An evergreen screen shall be required to surround the site. The screen shall be either a hedge (planted 3 feet on center maximum) or a double row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum height of 15 feet at maturity. The screen shall be maintained and dead plant material replaced with healthy material of like kind and size.
 - b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (6) Parking - A minimum of two off-street parking spaces shall be provided for a commercial communications tower.
- (7) Wind Resistance
- a. For any commercial communications tower or antenna higher than 50 feet, the applicant shall provide certification from a registered Professional Engineer stating that the commercial communications tower or antenna meets the wind resistance requirements stated in the latest version of the BOCA National Building Code. The registered Professional Engineer shall also certify to all overall structural integrity of the commercial communications tower or antenna.
 - b. A building/zoning permit issued for the placement of a commercial communications tower or antenna higher than 50 feet is valid for five (5) years from the date of issue and shall be renewed by the applicant prior to expiration. The application for permit renewal shall be accompanied by a report prepared and certified by a Professional Engineer registered in the Commonwealth of Pennsylvania stating that the physical condition and structural integrity of the commercial communications tower or antenna is adequate to meet the wind resistance requirements stated in the latest version of the BOCA National Building Code.
- (8) Antenna Permitted by Right - Provided all other conditions of this Section 6B are satisfied, commercial communications antenna shall be a Permitted-by-Right use in all Zoning Districts if placed on an existing commercial communications tower, public utility transmission tower, or any structure other than a dwelling unit or residential accessory structure. A

structure shall not include, for these purposes, concrete or macadam pavement or a concrete slab.

- (9) Federal Aviation Administration (FAA)
 - a. Documentation of FAA approval for commercial communication towers or antennas exceeding 200 feet in height, shall be provided. Commercial communication towers or antennas less than 200 feet in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13(a), as amended.
 - b. No commercial communications tower or antenna shall be artificially lighted except when required and approved by the FAA or as a condition imposed by the Zoning Hearing Board.
 - c. Strobe type lighting is not acceptable. A flashing mechanism operating red warning lights is required for both day and night operations.

- (10) Airport Coordination - The applicant for a proposed commercial communications tower or antenna, located within a five mile radius of an existing airport, shall notify the airport of its intent to place such structure(s). A copy of such notification and the reply of the airport operator shall accompany the application for Building and Zoning Permits.

- (11) Federal Communications Commission (FCC)
 - a. Documentation that the commercial communications company is licensed by the FCC shall be provided.
 - b. Documentation of FCC approval for the proposed commercial communications tower or antenna shall be provided.
 - c. Documentation demonstrating that the proposed commercial communications tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation shall be provided.

- (12) Documentation of Need
 - a. The commercial communications company shall demonstrate, using technological evidence, that the tower and/or antenna must go where it is proposed and that there is no other feasible location.
 - b. Prior to proposing the construction of a new commercial communications tower, the applicant shall demonstrate that he/she has made a reasonable effort to site the antenna on an existing structure within close proximity of the chosen site. [Refer to 6B(4) above]

ZONING

(13) Removal of Commercial Communication Towers and Antennas - If a commercial communications tower and/or antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six (6) months of notice to do such by the Township. Further, the owner or operator of the tower and/or antenna shall post security in a form acceptable to the Township favoring the municipality in an amount to cover tower and/or antenna removal and site clean-up. The security shall be used by the Township in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six (6) months of notification by the Township. Notification of cessation of operation shall be provided by the owner or operator within thirty (30) days of such an event.

(14) Exemptions

- a. A commercial cellular communications tower or antenna necessary for and clearly primarily used for emergency communications by a police department, fire company, emergency medical service and other similar public safety organizations is exempt from these local requirements.
- b. Private residence mounted satellite dishes, television antennas, or amateur radio equipment are exempt from these requirements.
- c. Public utility transmission towers owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission are exempt from these requirements.

(15) Administrative Requirements - In any case where the Township requires the Township Engineer, Zoning Officer or Solicitor to become involved in the preparation or review of the legal documents, the review of plans for the work or inspection of the work, the applicant shall pay to the Township the cost of said services plus a five (5) percent administrative fee in a timely manner upon submission of bills to the applicant in such deemed appropriate by the Township. All outstanding fees and shall be paid in full prior to the release of any posted financial security certificate(s) of use or occupancy or both.

form(s) as
charges
and

C. Supply Utilities.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	S	S	S

Including water supply works and storage, electric, gas or oil substations, plus necessary rights-of-way and transmission lines, providing:

(1) Except in VC and MU Districts, no public business office shall be operated in connection with such use.

- (2) Storage yard or storage buildings may be operated in connection with such use only when such storage facility is essential to service customers in the district in which it is located.
- (3) Unless sufficient cause is shown to the contrary, all transmission lines shall be underground.
- (4) A 75 foot buffer yard shall be provided along all property lines.
- (5) All applicable State and Federal regulations must be met.

D. Sanitary Utilities.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	S	N	S	S	S	S	N

Including sewerage works, sewage pumping station, plus associated collection lines and rights-of-way, but not including refuse dumps, incinerators or sanitary landfills, providing such facilities are intended to serve primarily residents of the Township area. [Ord. 02-03]. To be at discretion of PA. Department of Environmental Protection and U.S. Environmental Protection Agency.

E. Bus, Taxi Terminal.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	C	N	P	P	P	P	P

7. Industrial Uses.

A. Manufacturing.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	P	S	P

Including the production, processing, cleaning, testing and distribution of materials, goods, food stuffs and other products.

B. Warehousing.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	N	N	P	S	P

ZONING

Including wholesale business.

C. Research, Testing or Experimental Lab.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	P	P	P

D. Printing, Publishing and Binding.

C	A	RA	AH	VC	TV	MU	NC	CI
S	S	S	S	S	S	P	P	P

E. Truck Terminal.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	P	S	P

F. Contractor's Office and Storage.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	P	P	P

G. Lumber Yard.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	P	S	P

H. Upholsterer or Cabinetmaker.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	C	C	P	P	P

I. Mill.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	N	N	P	S	P

Where grain, lumber and similar products are stored or processed.

J. Junkyard.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	N	N	S

Any land, structure or land and structure in combination used for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material or sale of any material or materials which are used, salvaged, scrapped or reclaimed but are capable of being reused in some form including, but not limited to, metals, bones, rags, fibers, paper cloth, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe, pipe fittings, tires, motor vehicles and motor vehicle parts. No materials which fail to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any junkyard. Junkyards shall be subject to the following conditions:

- (1) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water or other natural causes.
- (2) The boundaries of any junkyard shall at all times be clearly delineated.
- (3) All paper, rags, cloth and other fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- (4) All junkyard materials and activities not within fully enclosed buildings shall be surrounded by a fence at least 8 feet in height and maintained in good condition. Any gate in such fence shall be similarly constructed and maintained and kept locked at all times when the junkyard is not in operation. Additionally, screening shall be required in accordance with §27-603(3); and the yard requirements included in Part 5 for buildings shall be met. Also, no materials stored in such junkyard shall be visible from any public road.
- (5) All material shall be stored in such a manner as to prevent the breeding or harboring of rats, insects or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising materials above the ground, separating types of materials, preventing collection of stagnant water, extermination procedures for other means.
- (6) No burning shall be carried on in any junkyard. Fire hazards shall be prevented by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosures of combustibles where necessary, the provision of adequate aisles for escape and firefighting and other necessary measures.

K. Sanitary Landfill or Incinerator.

C	A	RA	AH	VC	TV	MU	NC	CI
N	N	N	N	N	N	N	N	S

ZONING

L. Quarry.

C	A	RA	AH	VC	TV	MU	NC	CI
N	S	S	N	N	N	N	N	N

- (1) **Operations.** Extractive operations shall meet all development and performance standards of Part 6, excepting buffering as required in §27-603 which shall be as the Board of Supervisors of Rockefeller Township prescribes. However, any blasting operations shall only be conducted between the hours of 7:30 AM and 4:00 PM Eastern Standard Time. Must meet all State and Federal regulations.
- (2) **Setbacks.** No excavation, quarry wall, storage or area in which processing is conducted shall be located within 50 feet of any lot line, 100 feet of any street line nor 200 feet of any SR or VC District boundary line.
- (3) **Grading.** All excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- (4) **Access.** Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
- (5) **Stone Quarries .** Stone quarries whose ultimate depth shall be more than 25 feet shall provide the following:
 - (a) A screen planting within the setback area required in subsection (2), above, shall be required. Such screen shall be no less than 25 feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
 - (b) A chain link (or equal) fence at least 10 feet high and with an extra slanted section on top strung with barbed wire shall be placed at either the inner or outer edge of planting.
 - (c) Warning signs shall be placed on the fence at intervals of not more than 100 feet completely surrounding the area.

8. Accessory Uses.

A. One Family Detached Dwelling.

C	A	RA	AH	VC	TV	MU	NC	CI
C	C	C	C	N	C	C	C	C

Mobile home for occupancy on a working farm by relatives, tenant farmer or employees of a farm or estate is permitted, provided:

- (1) Such detached dwelling or mobile home meets all requirements of this Chapter and other applicable ordinances or regulations except location on a separate lot.
- (2) A lot on which such accessory dwelling and principal dwellings are located shall be at least 10 acres in size.
- (3) Only one of either an additional dwelling or mobile home is permitted unless permission is specifically granted by the Zoning Hearing Board by special exception.

B. Home Occupation.

C	A	AH	SR	VC	HC	I
P	P	P	P	P	P	P

Activities customarily carried on in a dwelling unit and the dwelling for residential purposes, providing:

- (1) The home occupation shall be owned and operated by members of the immediate family residing in the structure.
- (2) The home occupation shall be carried on wholly indoors and within the principal building, and any existing accessory buildings.
- (3) There shall be no maintenance of a stock in trade, no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Part 7; and, there shall be no exterior storage of materials.
- (4) No repetitive servicing by truck for supplies and materials shall be required.

C. Drive-In Stand.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Not exceeding 400 square feet of gross floor area for the sale of farm, nursery or greenhouse products where offered for sale, provided:

- (1) The stand shall not be nearer than 50 feet of any intersection nor within 10 feet of any right-of-way.

ZONING

- (2) The stand shall be of temporary construction but maintained in good condition.

D. Accessory Use.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Including, but not limited to, noncommercial greenhouses, tool sheds, private garage, swimming pools or similar accessory structures and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use.

E. Temporary Structure or Use.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

- (1) The life of such permit shall not exceed the life of a Building Permit
- (2) Temporary nonconforming uses shall be subject to authorization by the Zoning Hearing Board.
- (3) Such structure or use shall be removed completely upon expiration of the permit without cost to Rockefeller Township.
- (4) A temporary structure cannot be used for habitation.

F. Motor Home, Mobile Home or Travel Trailer.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Storage of, subject to the following conditions:

- (1) Up to two unoccupied motor homes or travel trailer may be stored on a lot occupied by the owner of the trailer provided, such trailer shall be placed in such a position as to meet all dimensional requirements for the district within which it is located.

- (2) In addition, one mobile home, motor home or travel trailer may be occupied temporarily by the owner of the land upon which it is to be placed during the construction of a permanent dwelling thereon. The permit for each placement of a trailer shall be for a period of not more than 1 year and shall be renewable for not more than one additional year.

G. Off-Street Parking.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Subject to the provisions and requirements of Part 6.

H. Signs.

C	A	RA	AH	VC	TV	MU	NC	CI
P	P	P	P	P	P	P	P	P

Subject to the provisions and requirements of Part 7

(Ord. 7, 6/2/1972, §420; as amended by Ord. 3/12/1981; by Ord. 12-1996, 9/15/1996; and by Ord. 02-03, 6/11/2002, §1)

PART 5

DIMENSIONAL REQUIREMENTS

§27-501. COMPLIANCE.

1. The regulations for each district pertaining to minimum lot size, minimum lot width, maximum lot coverage, maximum height and minimum yard space shall be as specified in the "Table of Dimensional Requirements" included in this Part. All uses and activities established after the effective date of this Chapter shall provide for the minimum and not exceed the maximum dimensions specified. In cases where provisions differing from the general regulations specified in the table, such provisions shall take precedence.
2. Regulations applying to lots, buildings and uses in existence prior to the effective date of this Chapter shall be governed by Part 9, with the express exception that all property owners having a structure on an undeeded parcel of real estate prior to June 2, 1972, shall have a period of 6 months from July 22, 1975, to obtain a fee simple deed to such premises, without regard to the "Table of Dimensional Requirements," except that each such lot shall consist of at least 1 acre of land.

(Ord. 7, 6/2/1972, §500)

§27-502. SPECIAL PROVISIONS.

1. **Height Exceptions.** The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, monuments, silos and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, cellular towers, wind turbines, wind machines with similar features and necessary mechanical appurtenances normally built above the roof level. Such features, however, shall be erected only to such height as necessary to accomplish the purpose they are to serve and shall not exceed in cross sectional area 20% of the ground floor area of the building.
2. **Special Front Yard Requirements.**
 - A. **Exceptions.** If the alignment of two or more abutting buildings on each side of a lot within a distance of 50 feet of the proposed building or addition and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth. The nearest building to the property line within that distance shall be the required front yard.
3. **Traffic Visibility Across Corners.** In all districts, no building, fence, plantings or other structure shall be maintained between a plane 2 feet above curb level and a plane 7 feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the front and side lot lines and a straight line drawn between points on each such lot line 20 feet from the intersection of said lot lines or extension thereof.

4. **Permitted Uses In Yards.**

- A. **Projections.** Ground story terraces and unenclosed porches may project into any required yard not more than $\frac{1}{2}$ its required dimension and not more than 10 feet in any case. Chimneys, flues, columns, sills and ornamental features may project not more than 2 feet into a required yard.
- B. **Fences.** Subject to subsection (3), above, yard provisions shall not apply to hedges, fences or walls.
- C. **Accessory Buildings.** Completely detached accessory buildings may occupy required front or side yard space directly adjacent to the principal buildings no closer than 35 feet to the property line; in the case of front yards, the maximum height of the accessory building will be 32 feet. In the case of rear yards, completely detached accessory buildings shall be permitted, provided no accessory buildings shall be located closer to a lot line than 5 feet. All setbacks shall be measured for the edge of the right-of-way in front yards and from the property line in side and rear yards. A subordinate building, detached from a principal building, the use of which is customarily incidental to and located on the same lot occupied by the principal building. Portable structures shall be considered accessory buildings.
- D. **Outdoor Storage and Off-Street Parking.** Outdoor storage and off-street parking may project into any side or rear yard a distance of not more than $\frac{1}{2}$ its required dimension.

- 5. **Multiple Frontage Lots.** On corner or double frontage lots, each side of a lot having a street frontage shall meet the required front yard setback for that lot.

(Ord. 7, 6/2/1972, §510)

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TABLE OF DIMENSIONAL REQUIREMENTS FOR DWELLINGS

District	Min. Lot Size	Min. Lot Width (Ft.)	Max. Building Coverage (%)	Max. Building Height (Ft.)	Min. Yard Space (Ft.)		
					Front	Side	Rear
Conservation (C)	2 acres	200	10	Note 2	35	35	35
Agricultural (A)	2 acres	200	10	Note 2	35	35	35
Residential Agriculture (RA)	2 acres 20,000 sq. ft. ¹	200 75	10 25	Note 2	35	35	35
Agricultural Holding (AH)	2 acres	200	10	Note 2	35	35	35
Village Center (VC)	2 acre 6,000 sq. ft. ¹	200 60	10 50	35	35	35	35
Traditional Village (TV)	2 acre	200	10	35	35	35	35
Mixed Use (MU)	2 acre ² 6000 sq. ft. ¹	200	10	Note 2	35	35	35
Commercial / Industrial (CI)	2 acres	200	10	Note 2	35	35	35
Neighborhood Commercial (NC)	2 acres	200	10	Note 2	35	10	10

¹With access to a public sewage facility

Note 2 - Based on the typical construction of a two-story home with useable attic space.

PART 6

PERFORMANCE STANDARDS

§27-601. COMPLIANCE.

All uses and activities established after the effective date of this Chapter shall comply with the following standards.

(Ord. 7, 6/2/1972, §600)

§27-602. ABATEMENT OF NOXIOUS INFLUENCES.

1. Noise.

- A. The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm or time signals and farming operations) shall not exceed the decibel levels in the designated octave bands stated below. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conform to the specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3 - 1944, American Standards Association, Inc., New York, New York; and the American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z 24.10 - 1953, American Standards Association, Inc., New York, New York, and its updates, shall be used.)
- B. Sound pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply in each case):

Frequency Band (Cycles per Second)	Maximum Permitted Sound-Pressure Level (Decibels)
0 - 150	67
150 - 300	59
300 - 600	52
600 - 1,200	46
1,200 - 2,400	40
2,400 - 4,800	34
Above 4,800	32

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- C. If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections hereafter shall be added to or subtracted from each of the decibel levels given herein.

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10 p.m. and 7 a.m.	-3
Noise occurs less than 5% of any 1 hour period.	+5
Noise if of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse; and impulse peaks shall not exceed the basic standards given above.)	-5

2. **Smoke and Gases.**

- A. No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than 4 minutes in any 30 minute period.
- B. The emission of dust, dirt, fly ash, fumes, vapors or gases from any combustion process which can cause any damage to human health, animals, vegetation of property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
- C. No emission of liquid or solid particles from any chimney or other source shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50% excess air in stack at full load.

3. **Odor.** No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the most restrictive provisions of Table III (odor thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

4. **Heat.** No use shall produce heat perceptible beyond its lot lines.

5. **Visual.**

- A. Lighting shall be used in a manner which produces no glare perceptible at or beyond the lot lines.

B. No use shall produce a strong dazzling light or a reflection of a strong dazzling light beyond its lot lines.

C. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines on the lot on which the operation is located.

D. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot lines.

E. No direct beams of light shall be directed toward adjacent properties or toward public roads, except from street lights intended for the lighting of streets. When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets, which have been approved by the Township and the appropriate utility company. No lighting shall be used in such a manner to produce a light intensity greater than ten foot-candles beyond the lot boundaries when the adjacent land is included within a residential zoned district.

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

7. **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, gardens or farm crops.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 1601(2) of the Second Class Township Code. Upon failure to comply with the notice of violation, any duly authorized employee of Rockefeller Township or contractor hired by Rockefeller Township shall be authorized to enter upon the property where the violation exists and cut and destroy the weeds growing thereon and the costs of such removal shall be paid by the owner or agent responsible for the property. The International Property Maintenance Code of 2006, Chapter 3, Section 302.4, and its updates are to be followed.

(Ord. 7, 6/2/1972, §610)

§27-603. BUFFERING.

1. **When Required.** In general, buffering, in the form of yard space and screening, is required in commercial and industrial districts along district boundaries between themselves and residential districts.

A. Buffer yards shall be required in any commercial / industrial endeavor.

B. Where streets or highways serve as district boundaries, no buffering is required along such boundary.

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- C. Where streams or other bodies of water serve as boundaries, such stream may not be used to meet the buffering requirements.
- 2. **Buffer Yards.** A buffer yard is yard space as defined in §27-202, definition of "yard," but whose dimension normally exceeds the normal building setback requirement.
 - A. Buffer yards shall be at least 50 feet in width, measured from the applicable boundary line.
 - B. In all buffer yards, the exterior 25 foot widths shall be planted with grass seed, sod or ground cover and be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
 - C. No structure, manufacturing or processing activity or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior 25 foot width.
 - D. Within the exterior 25 feet, screening in accordance with subsection (3), below, must be included.
- 3. **Screening.** Screening is the provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties composed entirely of trees, shrubs or other plant materials.
 - A. Plant materials used in the screen planting shall be at least 4 feet in height when planted.
 - B. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within 1 year.
 - C. The screen planting shall be so placed that, at maturity, it will not be closer than 3 feet from any street or property line.
 - D. In accordance with the provisions of §27-502(3), a clear sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
 - E. The screen planting shall be broken only at points of vehicular or pedestrian access.

(Ord. 7, 6/2/1972, §620)

§27-604. FLOODWAY REGULATIONS.

- 1. Refer to Chapter 8 of The Rockefeller Township Code of Ordinances for specific regulations.
 - A. **Structure Anchoring.** Must meet all current State and Federal regulations.

- B. **Private Sewage Disposal Systems.** Must meet all current State and Federal regulations.
- C. **Storage of Materials.** No materials that can float, are explosive or are toxic to humans, animals or vegetation shall be stored in the floodway. This includes junk vehicles.

§27-605. OUTDOOR STORAGE AND APPEARANCE.

- 1. No materials or waste shall be deposited on a lot in such form or manner that they may be transported 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.
- 2. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall not be stored outdoors, unless enclosed in containers which are adequate to eliminate such hazards.
- 3. Except as part of an authorized junk yard, all properties shall be kept free of open deposits of trash or junk and shall be maintained, cleared and mowed as circumstances dictate.

(Ord. 7, 6/2/1972, §640)

§27-606. NUISANCES

1. Dangerous structures

A. An initial determination as to the classification of a structure or structures as a "dangerous structure" shall be made by the Board of Supervisors of Rockefeller Township or their designated officer pursuant to the guidelines of the *International Property Maintenance Code of 2006* and its updates. Factors which shall be relied upon by the Board of Supervisors or their designated officer in making said determination, while not exclusive, shall include the utilization of the structure, the accessibility of the structure to children, the likelihood of the structure, if left unattended, in becoming a fire hazard to the community at large, the impact of the structure, and the surrounding grounds, upon the community as a breeding grounds for rodents or other disease carrying animals or insects, and the condition of the premises at large which may, in the opinion of the Board of Supervisors or their designated officer, impact upon the health, safety and welfare of the residents of Rockefeller Township.

2. Existence of nuisance

A. If the Board of Supervisors of Rockefeller Township or their designated officer decides that a nuisance exists, pursuant to the guidelines of the *International Property Maintenance Code of 2006* and its updates, and that said nuisance should be abated, or that a dangerous structure should be removed or repaired, the Board of Supervisors shall send a notice of the existence of the nuisance or dangerous structure to the record owner of the structure, together with any known lessee thereof. In the event that the

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owner of the structure cannot be found, the notice required pursuant to the terms of this Section shall be made by posting such notice on the building or nuisance location at a conspicuous location thereon.

B. The content of the notice required pursuant to Sub-paragraph A above shall include the date upon which the notice was given, the name and last known address of the owner of said premises, and a listing of all conditions known to the Board of Supervisors which have resulted in the premises or structure being declared to be a nuisance or dangerous structure. In addition thereto, the aforesaid notice shall set forth what actions or repairs are necessary, in the opinion of the Board of Supervisors, to abate said nuisance or repair the dangerous structure.

C. The owner of the premises shall, within ten (10) days after actual or constructive receipt if the notice hereinbefore set forth, commence repairs or removal of the dangerous structure or nuisance. Thereafter, a reasonable time shall be allowed to the owner to repair or remove the structure or condition. The actual amount of time afforded the property owner to correct the condition or structure shall be determined by the Board of Supervisors, but in no event shall be less than forty-five (45) days.

D. If the owner desires a hearing on said matter before the Board of Supervisors of Rockefeller Township, the said owner shall notify the Board in writing within ten (10) days after the date of said notice. A hearing shall then be granted to the owner at the time to be fixed by the Board, but in no event later than thirty (30) days after such request. During the time required for a hearing hereunder, the time frame for repairs as hereinabove set forth shall be stated. After the hearing before the Board, the owner, in the event that an adverse decision was rendered the owner, shall have the right to appeal the decision of the Board to the Court of Common Pleas of Northumberland County, Pennsylvania. Upon determination of the Board pursuant to the provisions of this paragraph, the time frame for repairs as hereinabove set forth shall commence, and shall continue to run unless stayed by further Order of Court. In addition, the owner may take whatever other legal steps he deems necessary to protect his interest, provided that he notifies the Board within ten (10) days of the receipt or posting of notices above-described of such action.

E. The Board shall, in its decision to abate a nuisance or order the removal or repair of a structure, state the reasons which make this decision necessary, as hereinabove required.

F. Upon the default or failure of the owner to abate the nuisance, or to remove or repair the dangerous structure as required by the Board of Supervisors of Rockefeller Township, the Township may, in its sole discretion, take such actions as are necessary to abate the nuisance, or to remove or repair the dangerous structure. Such action shall by the Board of Supervisors shall be taken only upon ten (10) days prior written notice to the owner of the existence of a default by him in correcting the nuisance or removing or repairing the dangerous structure, and further of the Township's intention to abate or remove the same. The cost of such abatement or removal, together with a penalty of ten (10%) percent of such costs, shall be levied upon the owner. The Township shall be authorized to the same in an action in assumpsit. The cost of removal and the penalty may be entered as a lien against such property in accordance with existing provisions of the law.

G. The continuation of such violation may be punished as set forth above for each separate offense. Each day the violation exists may constitute a separate offense. Each offense will be punishable with a fine not to exceed six-hundred (\$600.00) dollars according to the provisions of the Second Class Township Code, Section 1601. These penal provisions are non-exclusive, and the Township reserves all other rights afforded to it in this section, or otherwise available at law or in equity.

H. Any person directly affected by the decision of the Rockefeller Township Board of Supervisors or their designated officer or a notice or order issued under this section, shall have the right to appeal according to Section 111 of the *International Property Maintenance Code of 2006* and its updates.

PART 7

SIGNS

§27-701. DEFINITIONS.

1. **SIGN** - any permanent or temporary structure or part thereof or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public.

A. **Area of Sign.**

- a. Commercial / Industrial Districts - Sign may be a maximum of 32 square feet unless approved through a Special Exception by the Zoning Hearing Board.
- b. All other districts - Signs may be a maximum of 16 square feet unless approved through a Conditional Use by the Board of Supervisors.

B. **Illumination of Signs.**

- a. **Directly Illuminated Sign.** A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign including, but not limited to, neon and exposed lamp signs. Festoon lighting is a directly illuminated sign comprised of either:
 - (1) A group of incandescent light bulbs hung or strung overhead or on a building or structure.
 - (2) Light bulbs not shaded, hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.
 - (3) Lighting proposed for use after 11:00 P.M., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial, institutional or municipal applications, shall be reduced by at least 50% from then until dawn, unless supporting a specific purpose and approved by the appropriate officers or agents of the Township.

- C. **Indirectly Illuminated Sign.** A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

- D. **Flashing Sign.** An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- E. **Nonilluminated Sign.** A sign not illuminated either directly or indirectly.
- F. **Location of Signs.**
 - a. **On-Premises Sign.** A sign which directs attention to an activity conducted on the same lot.
 - b. **Off-Premises Sign.** A sign which directs attention to an activity not conducted on the same lot.
 - c. **Advertising Sign.** An off-premises sign which advertise or otherwise directs attention to a commodity, business, industry, home occupation or other similar activity sold, offered or conducted elsewhere than on the lot upon which such sign is located.
 - d. **Business Sign.** An on-premises sign which directs attention to a business, commodity, service, industry or other activity sold, offered or conducted other than incidentally on the premises upon which such sign is located or to which it is affixed.
- G. **Types of Signs.**
 - a. **Permanent Sign** - Any sign not considered a temporary sign.
 - b. **Temporary sign** - Any sign placed for ninety (90) days or less advertising for: political, community event, holiday, personal sign, weekend yard sale, public sale, realtor or the like shall be considered temporary signs.

(Ord. 7, 6/2/1972, §700)

§27-702. GENERAL SIGN REGULATIONS.

1. **Maintenance.** All signs permitted in this Part must be constructed of durable materials and kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed by the Township at the expense of the owner or lessee of the property on which it is located.
2. **Official Signs.** No signs except those of a duly constituted governmental body, or its agent, including traffic signs and similar regulatory notices, shall be allowed within street lines.
3. **Traffic Safety.** No sign shall be permitted which interferes with highway safety (such as direct beams or excessive intensity which may impair highway visibility) or any light or sign which may be interpreted as a traffic control signal or emergency vehicle.

(Ord. 7, 6/2/1972, §710)

4. Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained, provided that:
 - A. The signs shall not be erected or displayed earlier than 70 days prior to the election to which they pertain.
 - B. The erector of such sign or an authorized agent of the political party or candidate applies for and obtains a permit from the Zoning Officer and deposits, with his application, the sum of \$25 per each 100 such signs or fraction thereof as a guarantee that all such signs will be removed promptly within 20 days after the date of the election to which such signs relate. At the time of deposit, the erector or authorized agent shall indicate upon which streets such signs are to be located. If such signs are not removed at the end of the 20 day period, the applicable municipality shall have them removed and keep the full sum deposited to reimburse the expenses incurred by it and for general municipal purposes.

PART 8

OFF-STREET PARKING AND LOADING

§27-801. OFF-STREET PARKING.

1. **Required Spaces.** Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building which, after the effective date of this Chapter, is erected, enlarged or altered for use for any of the following purposes in any district:

Reference Section	Use
§403(1)	Agriculture - One off-street parking space for each employee.
§403(2)	Residential Uses - Two off-street parking spaces for each dwelling unit, plus one for each bed in an authorized rooming or lodging house.
§403(8)(A)	Churches - One off-street parking space for each four seats provided for patron use or at least one parking space for each 50 square feet of gross floor area used or intended to be used for service to patrons, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.
§403(3)(C), (D) §403(5)(F)	Schools - One off-street parking space for each faculty member and employee, plus one space per two classrooms and offices plus one space per ten students of projected building capacity for high school or post high school education.
§403(3)(E)	Cultural Facilities - One off-street parking space for every five seats or one space per 250 square feet of gross floor area where no seats are provided.
§403(3)(F)	Municipal Building - As required by the Board of Supervisors.
§403(3)(G), (H), (I)	Recreational Facilities and Golf Courses - One off-street parking space for each five persons of total capacity.
§403(3)(J)	Private Club or Lodge (not operated as a private gainful business) - One off-street parking space for every five members of total capacity or at least one space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of spaces, plus one additional space for each full-time employee.
§403(3)(K)	Licensed Hospital - One off-street parking space for each

Reference Section	Use
	patient or inmate bed, plus at least one additional space for each staff and visiting doctor, plus one additional space for each employee (including nurse) on the two major shifts.
§403(3)(L)	Nursing Home - One off-street parking space for every three patients or inmate beds, plus at least one additional space for each staff and visiting doctor, plus one additional space for each employee (including nurses) on the two major shifts.
§403(4)(A), (B), (C)	Business, Professional or Governmental Offices - One off-street parking space for each 200 square feet of gross floor area, plus one additional space for every two full-time employees.
§403(4)(E), (F)	Medical or Veterinary Office - Four off-street parking spaces per doctor, plus one for each employee.
§403(4)(D) §403(5)(A), (B), (C)	Banks; Retail, Personal and Repair Services - One off-street parking space for each 100 square feet of gross floor area used or intended to be used for servicing customers, plus one additional space for every two full-time employees.
§403(5)(D)	Eating Place (for the sale and consumption of food and beverages without drive-in and counter service) - One off-street parking space for each 50 square feet of total floor area, plus one additional space for each full-time employee.
§403(5)(E)	Eating Place (for the sale and consumption of food and beverages with some drive-in and counter service) - One off-street parking space for every two seats or one space for every 100 square feet of gross floor area, whichever is larger, plus no less than five spaces for every 100 square feet of gross floor area.
§403(5)(G)(H)	Mortuary, Public Entertainment Facility - One off-street parking space for each four seats provided for patron use or at least one space for each 50 square feet of gross floor area used or intended to be used in the operation of the establishment, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.
§403(5)(I)	Motel; Hotel - One off-street parking space for each rental room or suite, plus one additional space for each full-time employee.
§403(5)(J), (K), (L)	Automotive Service - One off-street parking space for every 30 square feet of gross floor area or two spaces or each service bay, whichever is larger, plus one additional space for each full-time employee. Said off-street parking spaces are not to be part of nor interfere with service accessways.

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Reference Section	Use
§403(5)(M)	Automotive Sales or Rental - One off-street parking space for each 100 square feet of gross floor area, plus one additional space for each full-time employee.
§403(6)(A)	Fire Station - Four off-street parking spaces for each fire truck where no community room is a part of the building; where a community room is provided, two spaces for each fire truck, plus one space for each 100 square feet of gross floor area.
§403(6)(B), (C), (D)	Utility Station - One off-street parking space for each vehicle normally required to service such facility.
§403(7)	Industrial Uses - Three off-street parking spaces for every four employee on the largest shift, plus one space for each company vehicle normally stored on the premises.
§403(8)(B)	Home Occupation - Two off-street parking spaces in addition to spaces otherwise required or one space for each 100 square feet of floor space devoted to such use, whichever is greater.
§403(8)(C)	Drive-In Stand - A sufficient number of off-street parking spaces to accommodate the maximum number of vehicles stopping at any one time but in no case fewer than three such spaces.

2. **Existing Parking.** Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed; provided, that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
3. **Change 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 of §27-801(1), the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that Section.
4. **Conflict With Other Uses.** No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
5. **Continuing Obligation.**
 - A. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the 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 Part. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

B. For parking areas of three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Zoning Officer to the extent necessary to satisfy all Federal, State and Local regulations for stormwater runoff. All off-street parking spaces shall be marked so as to indicate their location.

6. **Fractional Spaces.** Where the computation of required parking space results in a fractional number, any fraction shall be rounded up to the next full number.

7. **Design Standards.** All parking lots must meet Federal ADA standards and all applicable Federal, State and Local regulations.

(Ord. 7, 6/2/1972, §800)

§27-802. OFF-STREET LOADING.

1. **Required Berths.** Off-street loading berths shall be provided on any lot upon which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected. Spaces shall be provided according to the following table:

Gross Floor Area	Berths Required
6,000 - 20,000	One
20,000 - 80,000	Two
80,000 and Over	Two, plus one additional berth in each additional 60,000 square feet

2. **Specifications.** Off-street loading facilities shall be designed to conform to the following specifications:

A. Each required space shall be not less than 12 feet in width and length to be equal to maximum length allowed over the road by DOT standards. Minimum height clear clearance shall be 15 feet, exclusive of drives and maneuvering space and located entirely on the lot being served.

B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.

C. The width of driveways and sidewalk openings measured at the street lot line shall be a minimum of 35 feet; the minimum width of the driveway surface shall be 20 feet.

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- D. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the Township Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways.

(Ord. 7, 6/2/1972, §810)

PART 9

NONCONFORMITIES

§27-901. DEFINITIONS.

1. **Nonconforming Structures or Lot.** A structure or lot that does not conform to a dimensional regulation prescribed by this Chapter for the district in which it is located or to regulations for signs, off-street parking or accessory buildings but which structure or lot was in existence at the time it was established.
2. **Nonconforming Use.** A use of a building or lot that does not conform to a use regulation prescribed by this Chapter for the district in which it is located but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

(Ord. 7, 6/2/1972, §900)

§27-902. NONCONFORMING STRUCTURES.

1. **Continuation.** Any lawful structure existing on the effective date of this Chapter may remain although such structure does not conform to the dimensional requirements of this Chapter.
2. **Restoration.** A nonconforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon or legally condemned may be reconstructed, provided that reconstruction of the building shall be commenced within 1 year from the date the building was destroyed or condemned, shall be carried on without interruption and shall be completed within 2 years.
3. **Extension or Alteration.** A structure that does not conform with the setback, yard, building height or other dimensional requirements of the district in which it is located may be extended, provided the extension conforms with all dimensional requirements of this Chapter and all other applicable regulations of this Chapter.

(Ord. 7, 6/2/1972, §910)

§27-903. NONCONFORMING LOTS.

1. **Continuation.** Any lawfully created lot existing on the effective date of this Chapter may be continued although such lot does not conform to the lot requirements for the district in which it is located.

(Ord. 7, 6/2/1972, §920)

§27-904. NONCONFORMING USES.

1. **Continuation.** Any lawful use of a building or land existing at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter.
2. **Extension.** A use that does not conform to the use regulations of the district in which it is located may be extended, provided that:
 - A. The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. Permission to extend a nonconforming use as described in this Part shall not be construed to mean that new or similar uses may be established which, in fact, would become either commercial or planned industrial development as defined in §27-403(5)(N).
 - B. The proposed extension shall conform with the area, building height, parking, sign and other requirements of the district in which said extension is located, as contained in Parts 5, 6 and 7.
3. **Changes.** Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:
 - A. Such change shall be permitted only as a special exception under the provisions of Part 11.
 - B. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.
 - C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
 - (1) Traffic generation and congestion, including truck, passenger car and pedestrian traffic.
 - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - (3) Storage and waste disposal.
 - (4) Appearance.
4. **Abandonment.** If a nonconforming use of a building or land ceases and is abandoned (i.e., cease maintaining, using, etc.) for a continuous period of 1 year or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter. For the purposes of this Chapter, abandonment shall commence when reasonable efforts to reestablish (such as lease, rental, sale, etc.) a nonconforming use have ceased.

PART 10

ADMINISTRATION

§27-1001.APPOINTMENT AND POWERS OF THE ZONING HEARING BOARD.

1. For the administration of this Chapter, a Zoning Officer, Zoning Hearing Officer who shall not hold any elective office in the Township of Rockefeller, shall be appointed.
2. The Zoning Officer or Assistant shall meet the qualifications established by the Township of Rockefeller and shall be able to demonstrate to the satisfaction of the Township of Rockefeller a working knowledge of municipal zoning.
3. The Zoning Officer or Assistant shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
4. The Zoning Officer or Assistant is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 7, 6/2/1972, §1000; as amended by Ord. 02-03, 6/11/2002, §1)

§27-1002. ZONING PERMITS.

1. **Permits Required.**
 - A. Hereafter, no structure shall be erected, constructed, reconstructed, extended, moved or razed until a zoning permit has been secured from the Zoning Officer. Permit requirements for signs are governed by §27-702(8).
 - B. Upon completion of changes in use or construction, reconstruction, extension or moving of structures, the applicant shall notify the Zoning Officer and UCC Building Code Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this Chapter.
2. **Permit Approval.**
 - A. If the specifications set forth by the applicant in his application are in conformity with the provisions of this Chapter, the UCC Building Code (if any) and the applicable statutes, the Zoning Officer and Building Code Officer shall issue a permit. If a building permit is refused, the Zoning Officer shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The Zoning Officer and Building Code Officer shall grant or deny the permit not later than 10 days following application, except in cases of special exception or conditional usage where further proceedings came necessary.

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- B. Except upon written order of the Zoning Hearing Board authorizing a variance, no zoning permit shall be issued for any structure where said erection, construction, reconstruction, extension, moving, razing or use thereof would be in violation of any of the provisions of this Chapter. Moreover, any permit issued in error shall in no case be construed as waiving any provision of this Chapter.
3. **Application Requirements.** All applications for zoning permits shall be made in writing by the owner or authorized agent on a form supplied by the Zoning Officer and shall be filed with the Zoning Officer. The application shall include:
- A. A statement as to the proposed use of the building or land.
 - B. A site layout showing the location, dimensions and height of proposed structures or uses and any existing buildings in relation to property and street lines.
 - C. The number, location and design of parking and loading spaces, if applicable.
4. **Life of a Permit.** Any construction requiring a zoning permit under this Part shall be completed within 1 year from date of issuance of the permit. However, the right to proceed with construction may be extended annually with a renewal fee for an aggregate period of not more than 3 years; provided, that the construction or change pursuant to said permit has commenced within the first 1 year period.

(Ord. 7, 6/2/1972, §1010)

§27-1003. CERTIFICATE OF OCCUPANCY.

- 1. **Certificate Required.** No land or buildings shall be used or changed in use and no building hereafter erected, constructed, altered or extended shall be occupied until an occupancy permit shall have been issued by the Zoning Officer and Building Code Officer stating that the building or proposed uses fully comply with the provisions of this Chapter.
- 2. **Certificate Approval.**
 - A. In cases where a building permit is required, all occupancy permits shall be applied for coincident with the application for the building permit. The application shall be retained by the Zoning Officer and Building Code Officer until such time as the building in question shall have been approved as complying with the provisions of this Chapter; issuance of the approved permit shall not exceed 10 days following inspection by the Zoning Officer and Building Code Officer to ascertain compliance.
 - B. In cases involving establishment of a use upon land or a change of use upon land or within structures, application for an occupancy permit alone shall suffice. The Zoning Officer and Building Code Officer shall grant or deny such use within 10 days following application, except in cases of

special exception or conditional usage where further proceedings are necessary. If a permit is denied, the Zoning Officer and Building Code Officer shall state in writing the cause for such denial and shall immediately thereupon mail notice of such denial to the applicant.

3. **Application Requirements.** All applications for occupancy permits shall be made in writing by the owner or authorized agent on a form supplied by the Zoning Officer or Building Code Officer, setting forth information listed in §27-1002(2) and other data the Zoning Officer may require.
4. **Life of a Permit.** An occupancy permit shall become void 90 days from the date of issuance unless occupancy, use or change of use is commenced.

(Ord. 7, 6/2/1972, §1020)

§27-1004. CONDITIONAL USE PERMITS.

1. **Procedures.** Applications for conditional uses permitted by this Chapter shall be made in writing to the Zoning Officer by the owner or authorized agent on a form supplied by the Zoning Officer. The Zoning Officer shall simultaneously refer such application to the Board of Supervisors. At its next regular meeting following receipt of the Zoning Officer's recommendations or expiration of the 30 day period, whichever is sooner, the Board of Supervisors shall review the application and, indicating its approval or disapproval thereof, return the application to the Zoning Officer. The Zoning Officer in turn shall, within 10 days of decision by the Board of Supervisors forward, if approved, an approved building permit or occupancy permit, as appropriate, to the applicant; if disapproved, so notify the applicant.
2. **Criteria.** The recommendations of the Planning Commission and the decision of the Board of Supervisors shall be based on, but not limited to, the following standards and criteria:
 - A. **Compatibility.** The proposed use will be reviewed as to its relationship to and effect upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; illumination and glare; restrictions to natural light and circulation of air.
 - B. **Purpose.** Review the intended purpose of the proposed use as it relates to the area's development objectives established in the Comprehensive Plan.
 - C. **Suitability.** The nature of activity and population served, numbers of participating population, frequency of use, adequacy of space and spatial requirements, potential generation and impact of congestion will be reviewed as suitably related to the proposed location of potential use.
 - D. **Accessibility.** Ingress and egress to the site of the proposed use, circulation and movement of pedestrian and vehicular traffic, parking requirements and accessibility to the existing and proposed area highway system will be reviewed.

- E. **Serviceability.** Reviews will be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the area to supply such services.

(Ord. 7, 6/2/1972, §1030)

§27-1005. FEES.

The applicant for a zoning permit shall, at the time of making application, pay to the Zoning Officer for the use of the Township, a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this Chapter or as such schedule may be amended.

(Ord. 7, 6/2/1972, §1040)

PART 11

ZONING HEARING BOARD

§27-1101. ZONING HEARING BOARD.

1. There is hereby created for the Township of Rockefeller a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*
2. The membership of the Board shall consist of three residents of the Township of Rockefeller appointed by resolution by the Board of Supervisors. The terms of office shall be for 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township of Rockefeller.
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township of Rockefeller and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township of Rockefeller and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 7, 6/2/1972, §1100; as amended by Ord. 02-03, 6/11/2002, §1)

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§27-1102. VARIANCES.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot 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 this Chapter in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the applicant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 7, 6/2/1972, §1110; as amended by Ord. 02-03, 6/11/2002, §1*)

§27-1103. SPECIAL EXCEPTIONS.

Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide based on written requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 7, 6/2/1972, §1110; as amended by Ord. 02-03, 6/11/2002, §1*)

§27-1104. HEARINGS.

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

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing. The sign shall be at least 8 ½" high and 11" wide and be posted in the front yard or along the road frontage of the property.
- B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township of Rockefeller may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Township of Rockefeller, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be paid entirely by the applicant. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional

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copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined. The Board shall also promptly provide a copy of the decision to the Rockefeller Township Board of Supervisors.

- L. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 7, 6/2/1972, §1120; as amended by Ord. 02-03, 6/11/2002, §1)

§27-1105. JURISDICTION.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.
 - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township of Rockefeller and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.
 - F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.
 - H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.
 - I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater

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management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

2. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. All applications for approval of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.
 - B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 *et seq.*
 - C. Applications for conditional use under the express provisions of this Chapter.
 - D. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.I(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).
 - E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.
 - F. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.* Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 7, 6/2/1972, §1120; as amended by Ord. 02-03, 6/11/2002, §1)

§27-1106. PARTIES APPELLANT BEFORE THE BOARD.

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code), procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or

flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township of Rockefeller or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(Ord. 7, 6/2/1972, §1120; as amended by Ord. 02-03, 6/11/2002, §1)

§27-1107. TIME LIMITATIONS.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Township of Rockefeller if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

(Ord. 7, 6/2/1972; as added by Ord. 02-03, 6/11/2002, §1)

§27-1108. STAY OF PROCEEDINGS.

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

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 7, 6/2/1972; as added by Ord. 02-03, 6/11/2002, §1)

PART 12
AMENDMENTS

§27-1201. ENACTMENT OF ZONING ORDINANCE AMENDMENTS.

1. The Board of Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.
2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township of Rockefeller at points deemed sufficient by the Township of Rockefeller along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.
3. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township of Rockefeller shall submit the proposed amendment to the County planning agency for recommendations.
6. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County planning agency.

(*Ord. 7, 6/2/1972, §1200; as amended by Ord. 02-03, 6/11/2002, §1*)

§27-1202. PROCEDURE FOR LANDOWNER CURATIVE AMENDMENT.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the zoning map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the County planning agency as provided in §609 and notice of the hearing

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thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610 and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Board of Supervisors. If the Township of Rockefeller does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and zoning map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or zoning map.
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(*Ord. 7, 6/2/1972, §1200; as amended by Ord. 02-03, 6/11/2002, §1*)

§27-1203. PROCEDURE FOR TOWNSHIP CURATIVE AMENDMENTS.

1. If the Township of Rockefeller determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Township of Rockefeller shall declare by formal action this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal the Board of Supervisors shall:

- (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which requires revision; or,
 - (c) Reference to this entire Chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Township of Rockefeller shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.
3. Upon the initiation of the procedures as set forth in subsection (1), above, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A), above. Upon completion of the procedures set forth in subsections (1) and (2), above, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.
4. The Township of Rockefeller , having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of Rockefeller by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the Township of Rockefeller may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 7, 6/2/1972, §1200; as amended by Ord. 02-03, 6/11/2002, §1)

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY.
IT HAS NOT BEEN ADOPTED BY THE ROCKEFELLER
TOWNSHIP BOARD OF SUPERVISORS.