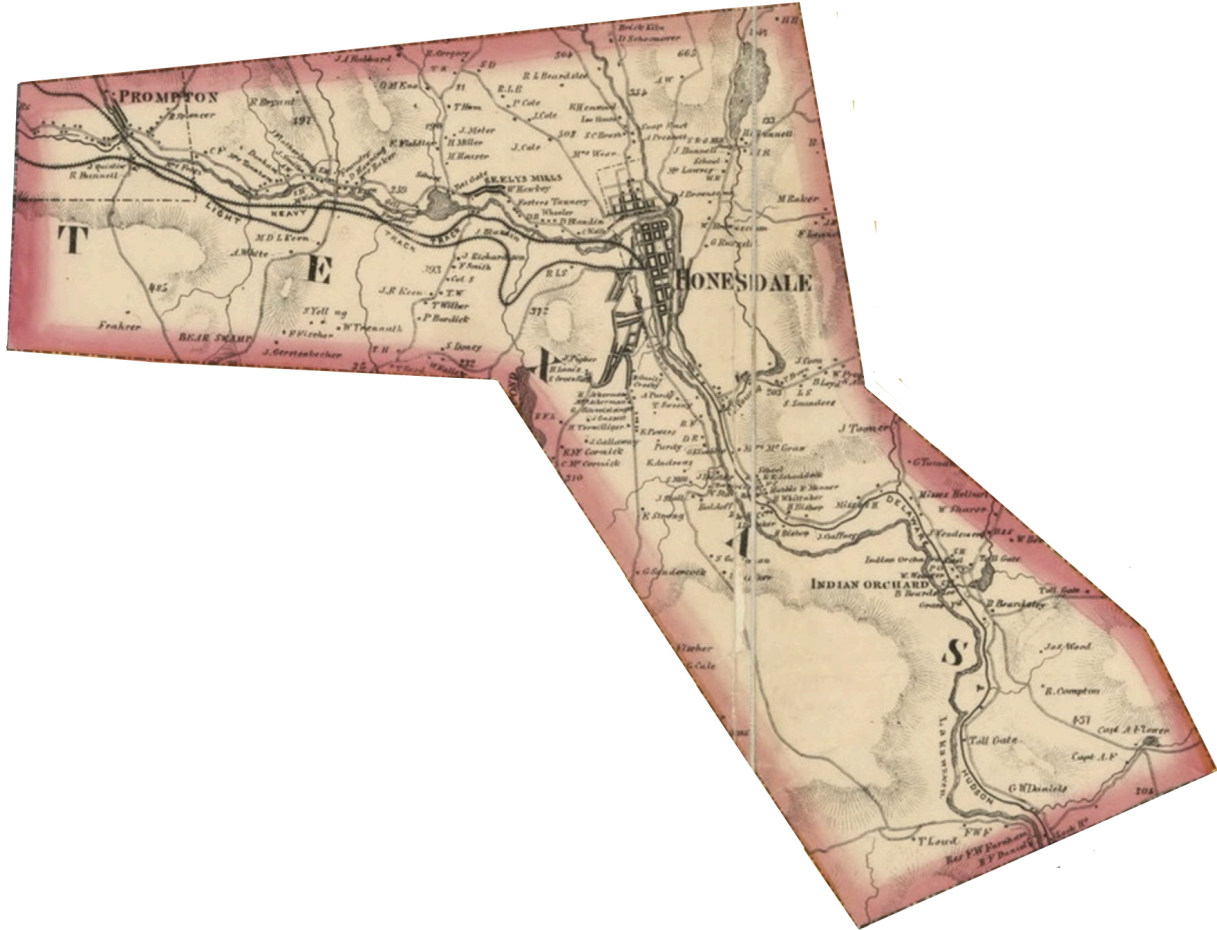


# TEXAS TOWNSHIP

## Wayne County, Pennsylvania



# ZONING ORDINANCE

# TEXAS TOWNSHIP ZONING ORDINANCE

## GUIDE TO USING THIS ZONING ORDINANCE

- ▀ **Contact the Zoning Officer** (§ 904) to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find what you are looking for.
- ▀ The **Table of Contents** should help you find the sections applicable to your situation.
- ▀ The **Zoning Map** (§ 302) shows all of the **Zoning Districts** (§ 301) in the Township. Each District is listed in the **Schedule of Uses** (§ 304.1).
- ▀ The **Schedule of Uses** (§ 304.1) lists all of the uses allowed in each district.
- ▀ The **Schedule of Uses** (§ 304.1) also classifies all of the uses allowed in each Zoning District.
  - **Principal Permitted Uses and Accessory Uses** (§ 402) - action by the Zoning Officer.
  - **Conditional Uses** - review by Planning Commission, action by Board of Supervisors (§ 908).
  - **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board (§ 908).
- ▀ The requirements for **Permit Applications** are found in § 902.
- ▀ **Development Standards** (§ 304.1) sets the minimum lot size and property line and road setback requirements.
- ▀ The **Definitions** in Article II provide the meaning for specific terms.
- ▀ Many uses are subject to specific requirements of Article IV this Ordinance.
  - Requirements for decks, garages, sheds and other **Accessory Uses** (§ 402), **Home Occupations** (§ 402.2) and **Off Street Parking** (§ 408).
  - **Residential Uses -- Cluster Development** (§ 404), **Two-family Dwellings** (§ 405.5.A), **Group Homes** (§ 410), etc.
  - Performance standards for **Nonresidential Uses** (§ 406).
  - Standards for **Specific Uses** (Article IV) ranging from the keeping of animals to wind energy.
- ▀ **Signs** are governed by Article VIII and a business sign will require a permit.
- ▀ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in § 907.
- ▀ A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use** (Article V). Commonly referred to as *grand-fathered*, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article V. The section also governs the reuse of abandoned and damaged nonconforming structures and uses. Nonconforming lots not meeting the minimum size and

## TEXAS TOWNSHIP ZONING ORDINANCE

dimension requirements, can also be used if they meet setback, water supply, sewage disposal and other applicable requirements. (§ 512).

- ▀ If a project involves the creation of a new lot or lots, the change of lot lines, the erection of one or more new principal nonresidential buildings, or two or more dwellings on one lot, the **Subdivision and Land Development Ordinance** will also apply.
- ▀ **Fees** are set by Resolution of the Board of Supervisors per § 903 and are shown on the **Fee Schedule** available from the Zoning Officer.

**TEXAS TOWNSHIP ZONING ORDINANCE**

**ZONING PERMIT APPLICATION REVIEW PROCESS**

The Zoning Officer reviews application and determines from Schedule of Uses if the proposed use is a Principal Permitted, Accessory, Conditional or Special Exception Use. If a variance is required a referral to the Zoning Hearing Board is made. If the use is one not specified as permitted in any zoning district the application, a referral is made to the Board of Supervisors under Section 304.2 hereof.

**PRINCIPAL PERMITTED  
and  
ACCESSORY USES**

Zoning Officer issues or denies permit based on ordinance standards

Appeal to Zoning Hearing Board

**CONDITIONAL USES**

Planning Commission shall be given the opportunity to review the application

Required public hearing by Board of Supervisors (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

Board of Supervisors action to approve, approve with conditions\*, or deny (45 days after last hearing)

Notify applicant of decision and any conditions in writing\* (delivered to applicant personally or mailed not later than the day following its date)

Appeal to Court of Common Pleas

**SPECIAL EXCEPTIONS**

Planning Commission shall be given the opportunity to review the application

Required public hearing by Zoning Hearing Board (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

Zoning Hearing Board action to approve, approve with conditions\*, or deny (written decision within 45 days of last hearing)

Notify applicant of decision and any conditions in writing\* (delivered to applicant personally or mailed not later than the day following its date)

Appeal to Court of Common Pleas

**VARIANCES**

Zoning Hearing Board reviews application for compliance with variance requirements

Required public hearing by Zoning Hearing Board (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

Zoning Hearing Board action to approve, approve with conditions\*, or deny (written decision within 45 days of last hearing)

Notify applicant of decision and any conditions in writing\* (delivered to applicant personally or mailed not later than the day following its date)

Appeal to Court of Common Pleas

THIS FLOWCHART IS INTENDED TO PROVIDE AN OVERVIEW OF THE ZONING REVIEW AND ACTION PROCESS. THE ZONING ORDINANCE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE MUST BE CONSULTED FOR DETAILS REGARDING NOTICES FOR PUBLIC HEARINGS, TIME FRAMES, DECISION NOTICE REQUIREMENTS, PERFORMANCE STANDARDS AND CRITERIA, AND OTHER ADMINISTRATIVE DETAILS.

\*NOTE: Reasonable conditions may be attached to the approval of conditional uses, special exceptions and variances in accord with the zoning ordinance and the Pennsylvania Municipalities Planning Code (MPC). Obtain written acceptance of all conditions from Applicant. Denials must include specific reasons for denial.

# TEXAS TOWNSHIP ZONING ORDINANCE

## TABLE OF CONTENTS

### ARTICLE I GENERAL PROVISIONS

- 101 Title and Short Title
- 102 Purpose
- 103 Community Development Objectives
- 104 Interpretation and Specificity
- 105 Applicability
- 106 Severability
- 107 Effective Date

### ARTICLE II DEFINITIONS

- 201 Rules of Construction and Definitions
- 202 Terms, Phrases and Words Not Defined
- 203 Definitions

### ARTICLE III DISTRICT REGULATIONS

- 301 Designation of Districts
- 302 Official Zoning Map
- 303 District Boundaries
- 304 District Regulations

### ARTICLE IV SUPPLEMENTARY REGULATIONS

- 401 Introduction
- 402 Accessory Uses and Structures
- 403 Manufactured Homes and Campgrounds
- 404 Cluster Development
- 405 Special Lot Provisions
- 406 Nonresidential Performance Standards
- 407 Multi-family Dwellings
- 408 Off-Street Parking and Loading
- 409 Reserved
- 410 Group Homes
- 411 Stables, Kennels and Animal Shelters, and Zoos and Menageries Wild and Exotic Animals
- 412 Adult Businesses
- 413 Placement and Screening of Dumpsters/Waste Containers
- 414 Special Conservation Standards
- 415 Clearing of Vegetation
- 416 Traffic Impact Study (TIS)
- 417 Large Retail Establishments
- 418 Height Limitations

# TEXAS TOWNSHIP ZONING ORDINANCE

- 419 Agricultural Uses - Crop Production and Animal
- 420 Airports and Heliports
- 421 Bed and Breakfast Inns
- 422 Commercial Communication Devices
- 423 Concentrated Animal Feeding Operations (CAFO)
- 424 Junk Yards
- 425 Mineral Extraction
- 426 Mineral Processing
- 427 Pipeline Compressor Stations, Metering Stations or Operation/Maintenance Facilities
- 428 Self-Storage Facilities
- 429 Solar Power Generation, Commercial
- 430 Solid Waste Facilities
- 431 Vehicle Related Uses
- 432 Wind Energy
- 433 Short Term Rentals

## ARTICLE V NONCONFORMITIES

- 501 Purpose, Applicability, Registration, and Continuation and Change
- 502 Definitions
- 503 Nonconformities Under Development
- 504 Nonconformities by Variance
- 505 Normal Maintenance and Repair Activities
- 506 Changes of Nonconforming Uses
- 507 Expansion of Nonconforming Uses
- 508 Reconstruction
- 509 Abandonment and Reestablishment of Nonconformities
- 510 Alterations of Nonconforming Structures
- 511 Review Factors
- 512 Use of Nonconforming Lots of Record

## ARTICLE VI RESERVED

## ARTICLE VII FLOODPLAIN MANAGEMENT

## ARTICLE VIII SIGNS

- 801 Administration
- 802 General Requirements
- 803 Temporary Signs
- 804 Residential Uses
- 805 Commercial, Manufacturing, Public Use and Semi-public Uses
- 806 Advertising Signs
- 807 Nonconforming Signs
- 808 Removal of Certain Signs

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE IX ADMINISTRATION

- 901 General Procedure for Permits
- 902 Permits and Certificates
- 903 Fees
- 904 Zoning Officer
- 905 Zoning Hearing Board
- 906 Zoning Hearing Board -- Hearings and Decisions
- 907 Variances
- 908 Conditional Uses and Special Exceptions
- 909 Subdivision and Land Development Plans
- 910 Mediation
- 911 Time Limits for Appeals
- 912 Appeals to Court and Other Administrative Proceedings
- 913 Public Utility Corporations
- 914 Limited Township Exemption
- 915 Amendments
- 916 Violations
- 917 Penalties and Remedies
- 918 Liability

## ARTICLE X ENACTMENT

## TEXAS TOWNSHIP ZONING ORDINANCE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Texas Township, Wayne County, Pennsylvania, by authority of and pursuant to the provisions of the "Pennsylvania Municipalities Planning Code," that the Texas Township Zoning Ordinance of March 21, 1994, as amended, is hereby amended and restated in its entirety as hereinafter set forth.

### ARTICLE I

**101 Title and Short Title.** This is an Ordinance establishing regulations and restrictions for, among other purposes, the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; off-street parking and signs in Texas Township, Wayne County, Pennsylvania. This Ordinance shall be known as, and may be cited as the "Texas Township Zoning Ordinance."

**102 Purpose.** This Ordinance is created for the purpose of promoting and protecting the public health, safety, and welfare consistent with the Pennsylvania Municipalities Planning Code as follows:

- A. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- C. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, Manufactured homes and manufactured home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

### **103 Community Development Objectives**

The Community Development Objectives of this Ordinance include those goals and objectives for Texas Township as expressed in the Texas Township Comprehensive Plan, as well as the following specific objectives:

- A. Guiding land use so as to put intensive uses in those areas of the Township which can safely and best accommodate them.
- B. Maintaining safe means of traffic and pedestrian circulation through the Township.
- C. Maintaining good housing conditions.

## TEXAS TOWNSHIP ZONING ORDINANCE

- D. Protecting the community to as great a degree as practical from natural or man-made disasters or other dangers.
- E. Ensuring all development is done with proper regard for health, safety and welfare concerns of the Township and necessary improvements can or will be made to accommodate such development.

### **104 Interpretation and Specificity**

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Township.
- B. Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance require a greater width or size of yards, courts or other open space, or require a lower height of buildings and/or structures or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Ordinance, the greater or higher standards shall govern.

### **105 Applicability**

- A. Any legally established existing use of a building, structure, lot or parcel of land or part thereof, as of the effective date of this Ordinance may be continued.
- B. Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.
- C. This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.
- D. Any of the following activities or any other activity or matter regulated by this Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:
  - 1. Erection, construction, movement, placement or extension of a structure, building or regulated sign, but not including accessory buildings less than one hundred (100) square feet in size;
  - 2. Change in the type of use or expansion of the use of a structure or area of land; and/or,
  - 3. Creation of a lot or alteration of lot lines.
- E. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- F. No lot shall be formed from part of a lot already occupied by a building unless such building, all required setbacks and open spaces connected therewith, and the remaining lot conforms with all requirements prescribed by this Ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.

## TEXAS TOWNSHIP ZONING ORDINANCE

- G. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- H. The exemption from a zoning permit does not exempt any use from permit requirements of the Uniform Construction Code or compliance with the requirements of this Ordinance.
- I. Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve:
  - 1. A change in use;
  - 2. An expansion, construction or placement of a structure;
  - 3. An increase in the number of dwelling units or boarding house units; and/or,
  - 4. Any other activity regulated by this Ordinance.

### **106 Severability**

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

### **107 Effective Date**

This Ordinance shall take effect immediately upon its adoption.

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE II DEFINITIONS

### 201 Rules of Construction and Definitions

The following rules of construction shall apply to this Ordinance:

- A. For the purpose of this Ordinance, certain terms and words are herein defined. Whenever used in this Ordinance, they shall have the meaning indicated in this Article, except where there is indicated in context different meaning.
- B. The particular shall control the general.
- C. The word *shall* and *must* are mandatory and not discretionary. The word *may* is permissive.
- D. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase *used for* includes *arranged for, designed for, intended for, and/or occupied for*.
- F. The word *person* includes *individual, profit or non-profit organization, partnership, company, unincorporated association, corporation, or other similar entities*.

### 202 Terms, Phrases and Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in the current edition of the Merriam-Webster dictionary or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

### 203 Definitions

The following definitions are also supplemented by those contained in other Texas Township ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply. For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

**Accessory Building or Structure:** A subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main building, including fences, electronic reception devices, and all swimming pools as herein defined. It shall be constructed of a combination of materials which is safe and stable.

**Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use including accessory buildings and structures.

**Adult Business:** Any adult-oriented establishment as defined in Pennsylvania Act 120 of 1996, including but not limited to: adult arcade, adult bookstores, adult video stores, adult live entertainment uses or facilities, adult motels, adult theaters, escort agencies, massage parlors, nude model studios, sexual encounter centers and other similar establishments or enterprises providing adult entertainment as

## TEXAS TOWNSHIP ZONING ORDINANCE

defined in Pennsylvania Act 120 of 1996.

**Agricultural Service Establishment:** An establishment primarily providing goods and/or services for agriculture, including, but not limited to, farm supplies, feed, farm equipment, fertilizer and kindred products and services.

**Agricultural Use:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes niche enterprises that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

**Agriculture Products Processing:** An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, tanneries, dairies and food canning and freezing operations.

**Agritourism:** Any activity carried out on a working agricultural operation such as a farm, orchard or vineyard that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of an agricultural operation, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

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

**Amusement Arcade:** A building or part of a building in which pinball machines, video games, or other similar player-operated amusement devices are maintained excluding the use of less than 5 such devices accessory use to any lawful principal use.

**Amusement Park:** A commercially operated park or facility with various devices for entertainment including ,but not limited to, rides, games, electronic games and similar devices, food stands and other associated facilities.

**Animal Husbandry, Commercial:** The raising and keeping of livestock, small animals and fowl and/or fur bearing animals with the intent of producing capital gain or profit or with the intent of selling any livestock and/or poultry products.

**Animal Husbandry, Home Use:** The raising and keeping of livestock, small animals and fowl for personal satisfaction or consumption and with no intent of producing capital gain or profit or the intent of selling any livestock and/or poultry products.

## TEXAS TOWNSHIP ZONING ORDINANCE

**Animal Shelter:** A facility used to house or contain stray, homeless abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, or nonprofit organization devoted to the welfare protection, and humane treatment of animals.

**Art Studio:** An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items.

**Assisted Living Facility:** Residences that provide rooms, meals, personal care, and supervision of prescribed medication and which may provide other services such as recreational activities, financial services, and transportation, and which is licensed as an assisted living facility by the Commonwealth of Pennsylvania.

**Auction House:** A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

**Automobile Service Stations:** A place where automobile and other vehicle fuels are dispensed and other vehicle services are provided, including convenience retail establishments where gasoline or other fuels are dispensed.

**Bank:** An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. Considered a *service establishment* for regulation by this Ordinance.

**Bed and Breakfast Inn:** An owner or operator-occupied single-family dwelling in which transient visitors to the area are lodged for compensation, meals for lodging guests may or may not be included, and no cooking facilities are provided in any rental room.

**Bedroom:** Any room or space used or intended to be used for sleeping purposes.

**Boarding or Tourist Home:** Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.

**Breweries, Distilleries and Wineries:** Alcoholic beverage manufacturers as defined under the Pennsylvania Liquor Code, breweries being limited to brew pubs and comparably sized facilities, distilleries being limited to 100,000 gallons per year and wineries being limited to 200,000 gallons per year.

**Buffer:** A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or improvements which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter.

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

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said

## TEXAS TOWNSHIP ZONING ORDINANCE

building is situated.

**Bulk Fuel Storage Facility:** Any facility where gasoline is stored in bulk for distribution by delivery truck, or fuel, including, but not limited, to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments.

**Campsite:** A designated site within or outside a campground for a tent or recreational vehicle for overnight use.

**Campground:** A plot of ground upon which more than two (2) campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles. (See also § 403.3).

**Car or Truck Wash:** Any building or premises or portions thereof used for commercial purposes for washing of vehicles.

**Carport:** A roofed building intended for the storage of one or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

**Church or Other Place of Worship:** A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**Clear Sight Triangle:** An area of unobstructed vision for purposes vehicular safety at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

**Club/Lodge, Private:** An area of land or building used by a nonprofit civic, social, fraternal, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities usually with the payment of fees and dues, regular meetings, and a charter and bylaws.

**Cluster Development:** A form of development for single-family residential and/or commercial subdivisions that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision/commercial development are maintained and the resultant land area is devoted to common open space.

**Commercial Communication Device:** Any structure, antenna, equipment, cabinet or other device which is intended for commercial or governmental use in transmitting or receiving wireless television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subjects of this Ordinance.

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C.. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication

## TEXAS TOWNSHIP ZONING ORDINANCE

towers as regulated by 47 CFR 97 and 47 CFR 95.

- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.
- F. Privately owned antennas for receiving commercial television or radio serving a dwelling.
- G. Towers and equipment used exclusively for emergency services or government communications.

**Commercial Communication Device Support Structure:** Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

**Commercial Communication Device Support Structure Height:** The vertical distance measured from the base of the support structure at average grade to the highest point of the structure, including antennas.

**Comprehensive Plan:** The Texas Township Comprehensive Plan including all maps, charts and textual matter.

**Common Facilities:** Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

**Conditional Use:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this ordinance are present. Conditional uses are allowed or denied by the Texas Township Board of Supervisors after recommendations by the Texas Township Planning Commission.

**Contractor Yard:** Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

**Correctional Facility:** A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system including, but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

**Country Club:** A recreational property owned and managed by a non-profit membership organization including recreational facilities, restaurant and meeting rooms, but not including property owner association facilities or other properties operated for profit.

**Crop Production:** An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, or fruit. The definition excludes commercial greenhouses and commercial nurseries as defined by this Ordinance.

## TEXAS TOWNSHIP ZONING ORDINANCE

**Cultural Facilities:** Building structures or uses designed and/or operated for purposes of displaying the crafts of artisan, not including theaters or adult stores.

**Day-Care Center:** A facility which cares for seven (7) or more children or adults for periods of less than twenty-four (24) hours per day at any hours of any day of the year.

**Day-Care, Family Home:** A private residence where 6 or fewer children or adults receive care or supervision for periods of less than eighteen (18) hours per day at any hours between 6:00 a.m. and 12:00 midnight.

**Distribution Center/Truck Terminal:** An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle. Breakdown of large orders from a single source into smaller orders and consolidation of several orders into one large one for distribution to several recipients and vice versa are often part of the operation. The operation may include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks. Storage facilities, such as warehouses, incidental to the principal use may also be part of the operation.

**Domestic Violence Shelter:** A government or nonprofit corporation residential use providing food, shelter, medical care, legal assistance, personal guidance, or other services to persons who have been victims of domestic violence, including any children of such victims, and who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

**Driveway:** A private maintained roadway providing access for vehicles from a publicly used right-of-way to a parking space, garage, dwelling or other structure, including any related improvements within such right-of-way, which shall be the responsibility of the driveway owner but subject to any applicable Texas Township or Pennsylvania highway occupancy regulations.

**Dumpster/Waste Container:** A portable unit specifically intended for the accumulation of solid wastes intended to be removed from a site upon filling.

**Dwelling:** A structure or portion thereof which is used exclusively for human habitation.

**Dwelling Unit:** One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

**Dwelling, Multi-family:** A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. **Residential Conversion to Apartments:** Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. **Garden Apartment:** Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.

## TEXAS TOWNSHIP ZONING ORDINANCE

- C. **Townhouse:** Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and separated from any other unit by one or more common fire resistant walls.

**Dwelling, Single-Family:** A dwelling unit accommodating a single family and having two (2) side yards.

**Dwelling, Two-Family:** Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

**Essential Services:** Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, utility cabinets, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and any other use specifically defined by this Ordinance shall not be considered essential services.

**Exercise Club:** A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

**Family:** A person living alone or any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin; living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

**Farmer's Market:** The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**Farm Stand:** A booth or stall from which produce and farm products are sold to the general public.

**Fast Food Establishment:** Restaurant offering limited menus of which a substantial portion of the items are sold for consumption off premises.

**Fence or Wall:** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or to be used as a means of protection or confinement; also, a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. The term wall does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms fence and wall do not include hedges, trees or shrubs.

## TEXAS TOWNSHIP ZONING ORDINANCE

**Flea Market:** Any sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**Forestry:** The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill or the operation of any other wood manufacturing business.

**Funeral Home:** A building or part thereof used for human or animal funeral services, not including a crematorium, which is a separate regulated use.

**Fur Bearing Animal:** Animals raised or trapped in the wild for their pelts such as mink, sable, and ermine.

**Gaming Establishment:** Any facility in which any form of gaming is conducted as authorized by the laws of the Commonwealth of Pennsylvania, except for establishments at which small games of chance are played, facilities participating in any lottery authorized by the Commonwealth or any other games of chance permitted by Pennsylvania law as accessory to a commercial use.

**Golf Course:** A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; but does not include miniature golf courses or golf driving ranges.

**Golf Course, Miniature:** A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces.

**Golf Driving Range:** A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee.

**Greenhouse, Commercial:** A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale or retail distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

**Greenhouse, Private:** An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use.

**Gross Floor Area:** The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**Group Home:** The use of any lawful dwelling unit by persons functioning as a common household and involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental impairment or other handicap as defined by applicable Federal law, not including the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

## TEXAS TOWNSHIP ZONING ORDINANCE

**Group Home, Institutional:** A use that would otherwise meet the definition of *group home* but which includes more than the permitted number of residents specified by this Ordinance.

**Halfway House:** A transitional facility for individuals after release from an institution (as for mental disorder, drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

**Health Facilities:** Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes and medical clinics and offices whether publicly or privately operated.

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

**Homeless Shelter:** A government or nonprofit corporation facility providing temporary housing to indigent, needy or homeless persons.

**Hotel/Motel:** A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with or without additional services such as restaurants, meeting rooms and recreational facilities.

**Impervious Surface:** Area covered by buildings, roofed structures, concrete, asphalt, other man-made cover or other surface that has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is impervious.

**Industrial Wastewater Treatment Facility:** A facility not located on the same lot where the wastewater is generated which is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas) nutrients, organics, solids, radionuclides or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil.

**Industry:** Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

**Junk Yard:** An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, for purposes of dismantling, processing, salvage, sale or other commercial use or disposition of the same.

**Kennel:** The keeping of six (6) or more dogs that are more than six (6) months of age.

## TEXAS TOWNSHIP ZONING ORDINANCE

**Light Manufacturing:** Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

**Livestock:** Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals.

**Local Contact Person:** A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation.

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

**Lot Coverage:** That portion or percentage of the lot area which is covered by buildings or roofed structures; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

**Lot Width:** The average of the width of a lot at the building setback line and rear of the property.

**Lumberyard:** An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

**Manufactured Home (a/k/a Mobile Home):** A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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. This is not intended to include modular construction housing, self-constructed tiny homes or shipping containers fashioned into dwellings.

**Manufactured Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

**Meeting, Assembly, or Banquet Halls:** A structure designed for an assemblage of persons for gatherings such as weddings, banquet, parties, etc.

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

**Mineral Extraction:** The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining and drilling) of minerals as defined in this Article II and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

- A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- C. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.
- D. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals.

**Mineral Processing:** The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

**Nightclub:** An establishment dispensing food and drink and in which music, dancing, or entertainment is an integral and significant part of the operation.

**No-impact Home-based Business:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. as set forth in §107 of the Pennsylvania Municipalities Planning Code.

**Nursery, Commercial:** A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for sale.

**Nursing Home:** Facilities providing room and board plus professional nursing care to persons requiring such services.

**Office or Office Building:** A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and day care facilities.

**Off-Site Sewage Disposal:** A sanitary sewage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

**On-Site Sewage Disposal:** A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

**Outdoor Entertainment:** Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building.

**Owner:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in official government records as holding title to the property; or otherwise having

## TEXAS TOWNSHIP ZONING ORDINANCE

control of the property.

**Permanent Foundation:** A foundation meeting the requirements of the PA Uniform Construction Code.

**Personal Care Home:** A residential use providing residential and support services primarily to persons who are over age 60, and/or physically disabled and/or the developmentally disabled and which is licensed as a personal care center by the Commonwealth of Pennsylvania.

**Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities:** A facility at which a petroleum product passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, alter or transform the pipeline product.

**Power Plant:** Any non-accessory principal use, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated.

**Professional Services:** Medical doctors, dentists, eye doctors, lawyers, accountants, engineers, architects and similar other professions not including personal services such as hair stylists and veterinarian clinics.

**Public Uses:** A building or a structure owned and operated by a governmental agency to provide a governmental service to the public.

**Public Parks and Playgrounds:** Outdoor, generally passive, recreational facilities owned, managed or designated by the Township, County, State or Federal government for use of the general public, including playgrounds, river accesses and trails.

**Race Track:** A road course, either oval, circuitous or straight, where motor vehicles, including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for recreation, testing or competition; or, any course where animals are raced for competition.

**Recreation Facility, Commercial:** Outdoor or indoor areas or structures, operated by private nonprofit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions including, but not limited to, picnic groves, animal farms, shooting ranges, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds.

**Recreation Vehicle:** A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or towable by a light-duty truck, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick up trucks with slide-in campers, recreational vehicle homes and -motor homes.

**Resort:** A business combining lodging, eating and recreational facilities for lodgers and/or non-lodgers as a single enterprise offered to the public at large or any segment thereof, not including bed and breakfast establishments, campgrounds, recreational vehicle parks or manufactured home parks. Amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, health centers, day care centers, facilities for commercial special events,

## TEXAS TOWNSHIP ZONING ORDINANCE

and employee living quarters.

**Restaurant:** An establishment where food and drink are prepared, served, and consumed, mostly within the principal building which may include limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows shall be considered a nightclub.

**Retail Store:** An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods

**Retail Home Heating Fuel Distributors:** An establishment that delivers kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale, and where the storage of fuel on the site of the retail home heating fuel distributor does not exceed a combined total of 20,000 gallons.

**Retaining Wall:** A solid or integrated vertical structure in excess of 4 feet in height designed for the separation or retention of varying ground levels.

**Screening:** A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

**Self-Storage Facility:** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

**Semi-Public Uses:** A building or structure operated by a nonprofit agency or group providing services to the general public which are closely related to government (e.g., fire company, ambulance corps, community center, etc.).

**Service Establishment:** Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc.

**Shed:** A detached accessory structure used for the storage of tools, minor equipment, and materials, but too small for the storage of an automobile.

**Shooting Range, Indoor Commercial:** Any fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

**Shooting Range, Outdoor Commercial:** Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

**Shopping Center or Mall:** A group of independent (i.e., not dependent on each other for operation) commercial establishments (otherwise allowed in the District of location) occupying spaces separated by walls which are planned, constructed and managed as a total entity with customer and employee

## TEXAS TOWNSHIP ZONING ORDINANCE

parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, landscaping, and signs.

**Short Term Rental:** Any dwelling unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than 30 days, not including hotel, motel or bed and breakfast units. See § 433.

**Sign:** See Article VIII.

**Slaughter House:** An agricultural products processing use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. Considered light manufacturing for regulation by this Ordinance. Slaughter house shall not include a custom butcher shop that does not involve killing of animals which is considered a retail establishment.

**Small Animals and Fowl:** Rabbits, bees, insects, chickens, turkeys, ducks, geese, pheasants, pigeons and any other similar animals.

**Solar Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

**Solar Collector, Accessory:** A device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

**Solar Energy Storage Facility:** Equipment consisting of batteries, containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**Solar Energy System:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**Solar Power Generation, Commercial:** A facility where one or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, energy storage facilities, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

**Solid Waste or Waste:** Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

**Solid Waste Facility, Commercial:** Any facility or operation of a private individual or firm engaged in the management and disposal of solid waste including, but not limited to liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal

## TEXAS TOWNSHIP ZONING ORDINANCE

facilities.

**Solid Waste Facility, Public:** Any facility or operation of a public entity engaged in the management and disposal of solid waste including, but not limited to,, liquid, solid, toxic, hazardous and medical waste; and including, but not limited to transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

**Solid Waste Staging Area:** Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

**Special Exception:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Special exceptions are allowed or denied by the Texas Township Zoning Hearing Board after recommendations by the Texas Township Planning Commission, which recommendations shall, if any, be made prior to or within thirty (30) days following the close of public hearing conducted by the Zoning Hearing Board.

**Specialty Shops:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

**Stable, Commercial:** A structure or area used for the shelter, care and/or riding of donkeys, horses or mules for hire, remuneration or sale.

**Stable, Private:** An accessory structure or use which involves the keeping of donkeys, horses or mules not for hire, remuneration or sale.

**Staging Area for Equipment/Materials:** Any area where equipment, vehicles, supplies and/or other material are assembled or stored for the support of another operation or use located at a different site.

**Storage Yard for Forest Products and Minerals:** An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flagstone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

**Structure:** A combination of materials forming a construction which is safe and stable and includes among other things; buildings, stadiums, platforms, radio towers, sheds, storage bins and display signs.

**Supermarket:** A retail establishment offering food and kindred products, which contains more than 5000 square feet of shopping area.

**Swimming Pool, Private:** Any structure, whether of temporary or permanent nature, either above or below ground which contains water to a depth of 1.5 feet or more and is used for swimming purposes and which is not available for public use.

**Tattoo, Body Piercing, Scarifying or Branding Parlor:** An establishment engaged in any of the following:

## TEXAS TOWNSHIP ZONING ORDINANCE

- A. The perforation or cutting of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing.
- B. The placement of indelible pigment, inks, or scarifying beneath the skin by use of needles for the purpose of adornment or art.
- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

**Tavern:** A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur. Considered a *restaurant* for regulation by this Ordinance.

**Theater, Drive-In:** An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

**Theater, Indoor:** A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use where patrons are seated in the building, but not including an adult movie theater.

**Township Facilities and Uses:** Any building, structure, service or use under the jurisdiction of Texas Township, Wayne County, Pennsylvania.

**Transient Use:** Occupancy of a dwelling by three (3) or more families at separate times over the course of a year; not including persons who may, during such period, be temporarily staying at the location as a guest of the principal occupant.

**Travel Plaza:** Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of automobiles, trucks, recreational and other vehicles is conducted or rendered as a service to travelers, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.

**Trip End:** A trip to or from an origin or destination. A trip-end is the standard unit of measure for trip generation and can be measured as one pass by a traffic counter. Two trip-ends are involved in a simple round trip.

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

**Variance:** The permission granted by the Zoning Hearing Board for an adjustment to some regulation that, if strictly followed, would result in an unnecessary hardship.

**Vehicle:** Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles,

## TEXAS TOWNSHIP ZONING ORDINANCE

snowmobiles, machinery, trailers and farm machinery; any vehicle requiring a state registration; boats; and aircraft.

**Vehicle and Equipment Rental Operation:** An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered a *retail business* for regulation by this Ordinance.

**Vehicle and Equipment Repair Operation:** An establishment engaged in the service and/or repair of any motor vehicle as its principal use including, but not limited to, auto body shops, repair garages, truck repair garages and agriculture equipment repair.

**Vehicle and Equipment Sales Operation:** The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; manufactured homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50 percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

**Veterinary Clinic:** A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels, pens or paddocks are on the premises.

**Warehouse:** A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail sales or a *truck terminal*.

**Water Extraction/Bottling:** Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. *Water extraction and bottling* shall be considered *industry* for the purposes of regulation by this Ordinance.

**Water Withdrawal Facility:** A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another location.

**Wholesale Business:** Establishments or places of business with no on site manufacturing primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wild or Exotic Animal:** Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

**Wind Energy Facility:** A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market.

## TEXAS TOWNSHIP ZONING ORDINANCE

**Wind Turbine Generator, Accessory:** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory.

**Wind Rotor:** The propeller or blades, plus the hub to which the propeller or blades are attached, that are used to capture wind for the purpose of energy conversion.

**Yard:** An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the highway right-of-way and other yards from property lines.

**Yard, Lawn, Garage, Tag or Estate Sale:** An occasional sale, open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage or residence, or in the principal or outbuilding, of the person who is conducting the sale.

**Zoning Officer:** The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**Zoo (a/k/a Menagerie):** A place where typically undomesticated animals are kept for exhibit or visitation.

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE III DISTRICT REGULATIONS

### 301 Designation of Districts

#### 301.1 Designation

For the purposes of this Zoning Ordinance, Texas Township is hereby divided into the following Zoning Districts:

- RU Rural
- R-1 Low-Density Residential - One & Two Family
- R-2 Multi-Family Residential - Apartments & Townhouses
- R-3 Residential - Manufactured Home Parks
- C-1 General Commercial
- C-2 Highway Commercial
- ID Industrial

#### 301.2 Intent

The intent of each District and the uses permitted in each District are set forth on the Schedules of Uses contained in §304 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in §304 of this Ordinance.

#### 301.3 Floodplain Overlay District

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the base flood (the 100-year flood) as identified in the most current *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Ordinance the floodplain regulations in the Township Floodplain and Building Permit Ordinance shall apply in the Floodplain Overlay District.

### 302 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Texas Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

### 303 District Boundaries

#### 303.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the County Recorder of Deed's Office and on the County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions or are otherwise delineated on the Official Zoning Map. Where a municipal boundary divides a lot, the land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

# TEXAS TOWNSHIP ZONING ORDINANCE

## 303.2 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall determine the correct district boundary.

## 304 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

### 304.1 Use Regulations

District use regulations are provided in the following Schedule of Uses. No land and no structure in a particular zoning district shall be used for any permitted use which is not specifically listed on the Schedule of Uses for that particular district. If a use which could be included in a more general use is listed as a separate use in any District Schedule of Uses, such use shall be permitted only in the district where it is specifically listed. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance. Conditional uses and special exceptions are permitted uses which require individual consideration because of their special characteristics. Conditional uses are also referred to the Planning Commission for review and preparation of a recommendation to the Board of Supervisors. Following a public hearing, and based on its determination that the proposed use meets the standards of this Ordinance, such Board may authorize the issuance of a zoning permit by the Zoning Officer. Time periods for action are specified in the Municipalities Planning Code. See also § 908.

### 304.2 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is not specifically allowed in any of the various zoning districts established under this Ordinance (i.e., not specifically allowed anywhere in the Township) and an application is made to the Zoning Officer for such use, the application shall be submitted to the Board of Supervisors which shall have the authority to permit the use or deny the use as a conditional use if the use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations, the use in no way conflicts with the intent of the zoning district and the use is not permitted in any other zoning district.
- B. Planning Commission Review - At the time the application is submitted to the Board of Supervisors, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation, which shall have until its next regularly scheduled meeting or thirty-two (32) days, whichever is less, to make a recommendation. The Board of Supervisors shall have an additional 45 days thereafter to take action thereupon.

### 304.3 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear setbacks; and establishes maximum standards for building height and lot coverage. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

## TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES RU RURAL DISTRICT		
INTENT: To provide for low density residential development in areas of the Township which are largely rural in character and to provide compatibility with existing agricultural, residential and rural uses.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Animal husbandry, commercial Bed and breakfast inns Campsites per § 403.3 Churches and places of worship Crop production Forestry Greenhouses, commercial Group homes Nurseries, commercial Short term rentals Single-family detached dwellings Stables, private Township buildings and uses	Agricultural service establishments Airports Animal shelters Archery ranges, outdoor commercial Assisted living facilities Boarding and tourist homes Breweries, distilleries and wineries Campgrounds Cluster development Commercial communication devices Concentrated animal feeding operations Contractor yards Country clubs Day-care centers Farmer’s markets Golf courses Kennels Mineral extraction and processing Nursing homes Personal care homes Pipeline compressor/metering station or operation/maintenance facilities Race tracks Recreational facilities, commercial private Resorts Shooting ranges, outdoor commercial Solar power generation, commercial Staging areas for equipment/materials Stables, commercial Storage yards for forest products & minerals Veterinary clinics, outdoor facilities Water withdrawal facilities Wind energy facilities Zoos	Camps/retreats Cemeteries Colleges Public and semi-public uses Public parks and playgrounds
DEVELOPMENT STANDARDS		
Minimum Lot Size		
Off-site sewage disposal and off-site water supply 21,870 square feet		
All others 43,560 square feet		
Minimum Average Lot Width		
Off-site sewage disposal and off-site water supply 75 feet		
All others 150 feet		
Minimum Yards		
Front 40 feet		
Side (each) 15 feet		
Rear 15 feet		
Maximum Building Height 50 feet		
Maximum Lot Coverage 35 percent		
Nonconforming Lots of Record See §512		

# TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES		
R-1 LOW-DENSITY RESIDENTIAL - ONE & TWO FAMILY DISTRICT		
INTENT: To allow the development of single-family and two-family housing appropriate to existing patterns within already developed or developing areas of the Township.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Churches and places of worship Crop production Forestry Group homes Short term rentals Single-family detached dwellings Township buildings and uses Two-family dwellings	Bed and breakfast inns Boarding and tourist homes Cluster development Country clubs Day-care centers Golf courses, excluding miniature golf and driving ranges Health facilities Professional services Residential conversions to apartments Stables, private Veterinary clinics, indoor	Public and semi-public uses Public parks and playgrounds
DEVELOPMENT STANDARDS		
Minimum Lot Size		
Off-site sewage disposal and off-site water supply 21,870 square feet		
All others 43,560 square feet		
Minimum Average Lot Width		
Off-site sewage disposal and off-site water supply 75 feet		
All others 150 feet		
Minimum Yards		
Front 40 feet		
Side (each) 15 feet		
Rear 15 feet		
Maximum Building Height 50 feet		
Maximum Lot Coverage 35 percent		
Nonconforming Lots of Record See §512		

## TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES		
R-2 MULTI-FAMILY RESIDENTIAL - APARTMENTS & TOWNHOUSES DISTRICT		
INTENT: To provide areas for development of multi-family housing and other moderate density residential activity including townhouses, apartments and residential conversions to apartments.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Churches and places of worship Crop production Domestic violence shelters Forestry Group homes Public parks and playgrounds Residential conversions to apartments Short term rentals Single-family detached dwellings Township buildings and uses Two-family dwellings	Assisted living facilities Bed and breakfast inns Boarding and tourist homes Cluster development Day-care centers Group homes, institutional Halfway houses Health facilities Homeless shelters Multi-family dwellings Nursing homes Personal care homes Stables, private	Public and semi-public uses
DEVELOPMENT STANDARDS		
Minimum Lot Size		
Off-site sewage disposal and off-site water supply 10,900 square feet		
All others 43,560 square feet		
Minimum Average Lot Width		
Off-site sewage disposal and off-site water supply 75 feet		
All others 150 feet		
Minimum Yards		
Front 35 feet		
Side (each) 15 feet		
Rear 15 feet		
Maximum Building Height 50 feet		
Maximum Lot Coverage 40 percent		
Nonconforming Lots of Record See §512		

# TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES		
R-3 RESIDENTIAL - MANUFACTURED HOME PARKS DISTRICT		
INTENT: To provide areas within the Township for the location of higher density housing including manufactured home parks.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Crop production Domestic violence shelters Forestry Group homes Public parks and playgrounds Short term rentals Single-family detached dwellings Township buildings and uses Two-family dwellings	Assisted living facilities Bed and breakfast inns Boarding and tourist homes Campgrounds Cluster development Day-care centers Group homes, institutional Homeless shelters Manufacturing home parks Multi-family dwellings Nursing homes Personal care homes Recreational facilities, commercial	Public and semi-public uses
DEVELOPMENT STANDARDS		
MANUFACTURED HOME PARKS		
<b>Minimum Lot Size</b> 5,000 square feet		
<b>Minimum Average Lot Width</b> 50 feet		
<b>Minimum Yards</b>		
Front 25 feet		
Side (each) 15 feet		
Rear 15 feet		
<b>Maximum Building Height</b> 35 feet		
<b>Maximum Lot Coverage</b> 40 percent		
ALL OTHER USES		
<b>Minimum Lot Size</b>		
Off-site sewage disposal and off-site water supply 10,900 square feet		
All others 43,560 square feet		
<b>Minimum Average Lot Width</b>		
Off-site sewage disposal and off-site water supply 75 feet		
All others 150 feet		
<b>Minimum Yards</b>		
Front 35 feet		
Side (each) 15 feet		
Rear 15 feet		
<b>Maximum Building Height</b> 50 feet		
<b>Maximum Lot Coverage</b> 40 percent		
<b>Nonconforming Lots of Record</b> See §512		

## TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES		
C-1 GENERAL COMMERCIAL DISTRICT		
INTENT: To provide locations for retail stores and service establishments designed to serve the needs of both the immediate area and the surrounding region, and to exclude incompatible uses.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Amusement arcades Art studios Auction houses Auto service stations Banks Bed and breakfast inns Billiard halls Campsites per § 403.3 Clubs/lodges, private Crop production Day-care centers Domestic violence shelters Exercise clubs Farmer's markets Flea markets, indoor Fraternal clubs Funeral homes Health facilities Indoor theaters Massage facilities, therapeutic Meeting, assembly, or banquet halls Offices or office buildings Professional services Public recreation facilities Restaurants Retail stores Service establishments Short term rentals (maximum of 3 rooms) Specialty shops Tattoo, body piercing parlors, etc. Taverns Theaters, indoor Veterinary clinics, indoor	Adult businesses Assisted living facilities Breweries, distilleries and wineries Car and truck washes Cultural facilities Commercial communication devices Greenhouses, commercial Group homes, institutional Halfway houses Homeless shelters Hotels and motels Nightclubs Mineral extraction, minor Nurseries, commercial Nursing homes Outdoor entertainment Personal care homes Rooming houses Vehicle and equipment sales, rental and repair Wholesale businesses	Colleges Dormitories Fraternity or sorority houses Public and semi-public uses
DEVELOPMENT STANDARDS		
Minimum Lot Size		
Off-site sewage disposal and off-site water supply 7,500 square feet		
All others 43,560 square feet		
Minimum Average Lot Width		
Off-site sewage disposal and off-site water supply 75 feet		
All others 150 feet		
Minimum Yards		
Front 50 feet		
Side (each) 15 feet		
Rear 15 feet		
Maximum Building Height 50 feet		
Maximum Lot Coverage 75 percent		
Nonconforming Lots of Record See §512		

# TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES		
C-2 HIGHWAY COMMERCIAL DISTRICT		
INTENT: To provide for the location of retail and services establishments designed to serve the needs of the traveling public as well as those of residents of the Township and surrounding areas.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Amusement arcades Art studios Auction houses Auto service stations Banks Bed and breakfast inns Billiard halls Campsites per § 403.3 Clubs/lodges, private Crop production Cultural facilities Day-care centers Exercise clubs Farmer’s markets Flea markets, indoor Fraternal clubs Funeral homes Health facilities Indoor theaters Lumber yards Meeting, assembly, or banquet halls Nightclubs Offices or office buildings Professional services Public recreation facilities Restaurants Retail stores Self-storage facilities Service establishments Short term rentals (maximum of 3 rooms) Specialty shops Tattoo, body piercing parlors, etc. Taverns Theaters, indoor Vehicle & equipment sales, rental & repair Veterinary clinics, indoor Wholesale businesses	Amusement parks Animal shelters Assisted living facilities Breweries, distilleries and wineries Car and truck washes Commercial communication devices Contractor yards Fast food establishments Flea markets, outdoor Greenhouses, commercial Group homes, institutional Hotels and motels Light manufacturing Massage facilities, therapeutic Mineral extraction, minor Multi-family dwellings Nurseries, commercial Nursing homes Outdoor entertainment Personal care homes Retail home heating fuel distributors Shopping centers or malls with uses allowed in the C-2 District Staging areas for equipment/materials Theaters, drive-in Travel plazas Veterinary clinics, outdoor facilities	Colleges Dormitories Fraternity or sorority houses Public and semi-public uses
DEVELOPMENT STANDARDS		
Minimum Lot Size		
Off-site sewage disposal and off-site water supply 7,500 square feet		
All others 43,560 square feet		
Minimum Average Lot Width		
Off-site sewage disposal and off-site water supply 75 feet		
All others 150 feet		
Minimum Yards		
Front 50 feet		
Side (each) 15 feet		
Rear 15 feet		
Maximum Building Height 50 feet		
Maximum Lot Coverage 65 percent		
Nonconforming Lots of Record See §512		

## TEXAS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF USES ID INDUSTRIAL DISTRICT		
INTENT: To provide sufficient space in appropriate locations to meet future needs for light manufacturing and industry.		
PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission/ Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission/ Zoning Hearing Board)
Agritourism Crop production Light manufacturing Retail home heating fuel distributors Short term rentals Warehouses Wholesale businesses	Agriculture products processing Breweries, distilleries and wineries Bulk fuel storage facilities Commercial communication devices Correctional facilities Crematoriums Day care centers Distribution centers/truck terminals Industrial wastewater treatment facilities Industry Mineral extraction and processing Pipeline compressor station, metering station or operation/mainten. facilities Power plants Retail and restaurant uses selling products produced on-site Solid waste facilities and staging areas, commercial or public Water withdrawal facilities	Public and semi-public uses
DEVELOPMENT STANDARDS		
Minimum Lot Size		
All uses (no reduction for off-site sewage disposal and off-site water supply) 87,120 square feet		
Minimum Average Lot Width		
All uses (no reduction for off-site sewage disposal and off-site water supply) 200 feet		
Minimum Yards		
Front 50 feet		
Side (each) 50 feet		
Rear 50 feet		
Maximum Building Height 60 feet		
Maximum Lot Coverage 50 percent		
Nonconforming Lots of Record See §512		

**TEXAS TOWNSHIP ZONING ORDINANCE**

<b>ACCESSORY USES PERMITTED IN ALL DISTRICTS</b> <b>(Unless otherwise restricted by this Ordinance.)</b> <b>(Zoning Officer)</b>	
Accessory uses customary to approved uses	Home greenhouses
Animal husbandry, home use	Home occupations
Barns, silos, sheds, and similar agricultural buildings	No impact home-based businesses
Carports	Porches
Common facilities	Parking areas accessory to approved uses
Day care, family home	Satellite dish antennas or satellite antennas
Decks	Sheds
Development amenities	Signs accessory to approved uses
Docks	Solar collectors, accessory
Electric charging stations	Swimming pools
Essential services	Wind turbine generators, accessory
Farm stands	Yard, lawn, garage, tag or estate sale
Garages, private	

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE IV SUPPLEMENTARY REGULATIONS

### 401 Introduction

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the other standards in this Ordinance.

### 402 Accessory Uses and Structures

#### 402.1 No-impact Home-based Businesses

No-impact home-based businesses that comply with all of the following standards shall be permitted as an accessory use in all Districts, provided that activities conducted by youths such as lemonade stands, 4-H projects and similar endeavors with an underlying educational purpose shall also typically be considered no-impact home-based businesses.

- A. The business is clearly secondary to the use as a residential dwelling.
- B. The business involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.
- C. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- D. The businesses shall employ no other employees other than family members residing in the dwelling.
- E. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- F. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- G. The business activity shall not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood.
- H. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- I. The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five (25) percent of the habitable floor area.

#### 402.2 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so as to assure the activity is as unobtrusive as possible. The burden of proof shall be on the applicant to demonstrate the

## TEXAS TOWNSHIP ZONING ORDINANCE

standards will be met. The following standards shall apply:

- A. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
- B. In the R-1, R-2 and R-3 Districts the total area used by all home occupations on the premises shall not exceed thirty (30) percent of the gross floor area of the dwelling unit. In all other districts the total area shall not exceed fifty (50) percent.
- C. There shall be no evidence visible from outside the dwelling that the residence is being operated as a home occupation except for a permitted sign and required parking area.
- D. In the R-1, R-2 and R-3 Districts, the home occupation shall be conducted only by members of the family residing in the dwelling and not more than two (2) persons other than residents of the dwelling shall be employed on the premises. In all other districts, the number of nonresident employees shall not exceed three (3).
- E. One off-street parking space shall be provided for each nonresident employee.
- F. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, including interference with radio or television reception, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- G. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the home occupation.
- H. The use shall not routinely require servicing by, deliveries by or parking of tractor-trailer trucks..
- I. One (1) sign not more than six (6) square feet for each face shall be permitted.
- J. The performance standards in §406 shall also apply to home occupations.
- K. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, funeral parlors or other uses not meeting the requirements of this §402.2.
- L. "No-Impact Home-Based Businesses," as defined in the Pennsylvania Municipalities Planning Code shall be permitted as Accessory Uses in all zoning districts.

### 402.3 Accessory Structures

- A. Detached - Accessory structures shall be permitted in conjunction with or in advance of principal structures or uses, including agricultural, forestry and other principal uses not necessarily involving principal structures. No detached accessory building or structure, except signs, shall be erected in any required front yard or closer than fifteen (15) feet to any property line.
- B. Attached Structure
  - 1. Any structure attached to the principal structure shall be considered part of the principal

## TEXAS TOWNSHIP ZONING ORDINANCE

structure and shall meet all criteria for principal structures.

2. Standards for ramps and decks required to provide access for handicapped family members may be modified for good cause by resolution of the Township Board of Supervisors.
- C. Fences - Fences may be located on the property line and may be attached to the primary structure, but shall not exceed a height of eight (8) feet, and shall comply with clear sight triangle requirements.
- D. Private Outdoor Swimming Pools - A private in-ground or above-ground outdoor swimming pool is permitted as an accessory use to a residential structure. Pools, pool decks, and any accessory paved areas shall comply with setbacks for accessory structures. Fences for pools shall be provided in accord with the PA Uniform Construction Code.
- E. Containers, Truck Trailers - Sea containers, storage containers, truck trailers, and similar structures used for storage which are located on a lot for more than thirty (30) days shall only be permitted as an accessory structure and any such accessory structure shall:
  1. Not be permitted between the principal structure and a road right-of-way. Side and rear setbacks shall be twice the normal setback in cases where the structure is in any District other than the C-1, C-2 or ID Districts or, if in other districts, the structure adjoins a residential use or any other District.
  2. Be topped with a roof meeting Uniform Construction Codes standards for sheds.
  3. Be screened in accord with §406.1.

### 402.4 Wind Turbine Generators, Accessory

An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory. Accessory wind turbine generators are permitted in all districts only in compliance with the following and other applicable standards of this Ordinance:

- A. Height - The applicant shall demonstrate the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer's standards and complies with zoning district height limits. Height shall be measured from the average ground elevation of the structure to the highest point of the tower, including the blades when vertically extended.
- B. Setback - No part of the wind turbine generator structure shall be located less than 1.5 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane or support structure, whichever is higher.
- C. Uniform Construction Code; Manufacturer's Standards - Prior to the issuance of a certificate of use, the applicant shall provide certification from a Pennsylvania Registered Professional Engineer that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the

## TEXAS TOWNSHIP ZONING ORDINANCE

manufacturer.

### 402.5 Solar Collectors, Accessory

An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

- A. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts in compliance with this section and other applicable standards of this Ordinance.
- B. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- C. Mounting - A solar energy system may be roof mounted or ground mounted.
- D. Height
  - 1. Roof Mounted - A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
  - 2. Freestanding - A freestanding system shall not exceed the maximum building height for accessory buildings.
- E. Setback
  - 1. Roof Mounted - In no instance shall any part of the solar energy system extend beyond the edge of the roof.
  - 2. Freestanding - Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- F. Mechanical Equipment - Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district and shall be screened from any adjacent property.
- G. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- H. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- I. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.

# TEXAS TOWNSHIP ZONING ORDINANCE

## 403 Manufactured Homes and Campgrounds

### 403.1 Manufactured Homes

Manufactured homes shall not be considered single-family dwellings and shall only be permitted in manufactured home parks. Manufactured homes on individual lots outside of manufactured home parks, however, shall be permitted as Conditional Uses in the RU District.

### 403.2 Manufactured Home Parks

Manufactured home parks shall comply fully with the applicable requirements of the *Texas Township Subdivision and Land Development Ordinance* prior to the issuance of any building or zoning permits relating to the same.

### 403.3 Campgrounds and Campsites

Campgrounds shall be considered recreational land developments and shall comply fully with the applicable requirements of the *Texas Township Subdivision and Land Development Ordinance* prior to issuance of any building or zoning permits relating to the same. Campsites shall also be permitted subject to the following:

- A. Personal Use - A recreational vehicle placed on any property for the personal use of the resident family for up to a maximum of 180 days per year shall be permitted without the necessity of permits hereunder provided there is lawful disposal of any wastewater generated and accessory structure setbacks are observed with respect to such recreational vehicle.
- B. Additional Recreational Vehicle - An additional recreation vehicle may be placed on any property (or combination of properties in the same ownership) of five (5) acres or more in area for non-commercial recreational purposes in RU, C-1 and C-2 Districts; provided there is lawful disposal of any wastewater generated, these observe accessory structure setbacks and there is no permanent occupancy.
- C. Commercial Rentals - Recreational vehicles for rental to the general public may be placed on properties in RU, C-1 and C-2 Districts as Conditional Uses provided there are no more than two (2) such recreational vehicles placed on any property, there is a minimum of one and one-half acres (1.5) acres of land provided per recreational vehicle site and the wastewater disposal system has been approved by the Township Sewage Enforcement Officer. No permanent occupancy (exceeding 180 days per year) shall be permitted and the Township shall be authorized to require physical removal annually for this purpose.

Any other recreational vehicle use for camping shall be considered a campground subject to the applicable requirements of the *Texas Township Subdivision and Land Development Ordinance*.

## 404 Cluster Development

Cluster development shall be permitted in residential districts . Both shall be subject to these regulations. In addition to all other applicable regulations the following rules shall apply in granting such

## TEXAS TOWNSHIP ZONING ORDINANCE

permits.

### 404.1 Minimum Area

Any owner of a minimum of three (3) acres of land may request Texas Township to have the regulations of this Section apply to the development of any property in question.

### 404.2 Density Bonus

A 50% density bonus (i.e. if four 1 acre lots were permitted without clustering, as many as 6 would be permitted with it.) shall be permitted in cluster developments. Lot coverage ratios and front, side and rear yards shall, however, be maintained as provided for the District in the Schedule of District Regulations.

### 404.1 Utilities

All uses within a cluster development shall be served with off-site sewage facilities and water supplies (as defined in the Texas Township Subdivision and Land Development Ordinance).

### 404.4 Driveways

No cluster development shall be designed such that individual driveways front on the public right-of-way.

### 404.5 Process

Cluster development applications shall be filed with the Texas Township Planning Commission who shall process the request on a schedule identical with requirements for review and approval of a preliminary plan under the Texas Township Subdivision and Land Development Ordinance.

## 405 Special Lot Provisions

### 405.1 Street Frontage / Front Setbacks

In the case where a lot fronts on more than 1 street, the required front setback shall be provided along each street frontage. The required side yard shall be provided along all other property lines.

### 405.2 Clear Sight Triangle

A clear sight triangle of not less than seventy-five (75) feet in either direction from the intersection shall be maintained on all corner lots.

### 405.3 Front Setback Exception

When an unimproved lot is situated between two (2) improved lots with front yards less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots, provided, however, that in no case shall the front yard be reduced by more than fifty (50) percent of the required front yard for that district.

### 405.4 Extension of Non-Conforming Setbacks

## TEXAS TOWNSHIP ZONING ORDINANCE

A structure that is nonconforming as to a yard requirement may be extended along the nonconforming setback line.

### 405.5 Two or More Buildings and/or Uses on a Parcel

- A. Residential Density - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one (1) parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). The lot size for a two-family dwelling shall be twice the lot size required for a single-family dwelling in the district of location.
- B. Nonresidential Uses - In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied, including lot area required per principal use.
- C. Residential and Nonresidential on the Same Lot - One residential dwelling unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of a principal nonresidential structure.
- D. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least the greater of twenty (20) feet or the height of the highest adjoining structure, unless an applicable building code requires a larger separation.

### 405.6 Minimum Dwelling Size

No minimum dwelling size shall apply. All tiny houses and similar dwelling units shall, nonetheless, meet Uniform Building Code standards.

## 406 Nonresidential Performance Standards

### 406.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a nonresidential use is proposed contiguous to any existing residential use or any R-1, R-2 or R-3 District the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width and six (6) feet in height shall be provided and maintained.

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

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the project to adjoining areas.
- B. The width of the required buffer shall not be less than fifteen (15) feet.

## TEXAS TOWNSHIP ZONING ORDINANCE

- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer with the approval of the Township. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

### 406.2 Landscaping

A landscaping plan for any proposed project shall be submitted by the developer for review and approval by the Township. Where the project involves landscaping of more than one-half (0.5) acre the Township may require the plan be prepared by a qualified registered landscape architect or other qualified professional. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed and maintained to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
- C. Plants shall be species native to Pennsylvania and of a type which are proven successful in the Township's climate.
- D. Where landscaping is required to serve as a buffer (e.g.. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five (5) years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions or variances.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All unpaved areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent practicable.

## TEXAS TOWNSHIP ZONING ORDINANCE

- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All deciduous trees to be planted shall have calipers of not less than two (2) inches with a mature height appropriate for the situation. Evergreen trees shall be planted at six (6) feet in height. Shrubs shall be either deciduous species planted at two and one-half (2.5) feet in height or evergreen species planted at two and one-half (2.5) feet in spread.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.
- M. The Township Board of Supervisors or Zoning Hearing Board, as the case may be, is authorized to modify these landscape standards in connection with Conditional Use or Special Exception applications to achieve an equivalent degree of buffer and aesthetic relief.

### 406.3 Operations and Storage

- A. All facilities and operations of any nonresidential use, including the storage of raw material, finished products, fuel, machinery and equipment and any other merchandise, materials or supplies, shall be enclosed and carried out within a building, unless otherwise approved in connection with a Conditional Use or Special Exception application. This shall not apply to displays for sales purposes.
- B. Outdoor sales, operations and storage areas in addition to those specified in Subsection A above may be approved as a conditional use. Larger setbacks and/or buffers may be required to afford protection to adjoining uses and any public road rights-of-way. No required parking spaces shall be utilized for such sales.
- C. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.
- D. Storage of materials, supplies or products in motor vehicles or truck trailers normally used to transport materials shall not be permitted.
- E. Railcars or containers normally used for rail, truck and ship transportation or being of similar single unit construction may be used for storage, subject to accessory structure setbacks, but shall not be used for sleeping or other residential or other commercial or industrial purposes such as retail sales or manufacturing within such units. Any use permitted hereunder shall be strictly limited to non-residential properties.

### 406.4 Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the

## TEXAS TOWNSHIP ZONING ORDINANCE

industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply.

Details of the potential hazards and planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

### 406.5 Radioactivity or Electric Disturbance

No activities shall be permitted which emit dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

### 406.6 Noise

- A. No land use shall generate sound levels, at or beyond any lot line, that exceeds the ambient noise level by more than 10 decibels. Any sound of 5 to 10 decibels above the ambient noise level shall be attenuated or mitigated to the maximum degree practical. The ambient noise level shall be determined for all lot lines of any the site where the project is to take place and any other locations as shall be specified by the Township.
- B. Regardless of the ambient noise level, the maximum sound pressure level radiated by any use or facility, at or beyond any lot line, shall, in addition not exceed the maximum values in the designated octave bands listed below:

Maximum Noise Limits	
Frequency Band (cycles per second)	Sound Pressure level (decibels)
20 — 75	69
76 — 150	60
151 — 300	56
301 — 600	51
601 — 1,200	42
1,201 — 2,400	40
2,401 — 4,800	38

These minimum standards apply to any noise radiated continuously from any facility or activity between the hours of 7:00 PM and 7:00 AM. If the noise is not radiated between the hours of 7:00 PM and 7:00 AM the above decibel level limits may be increased by 5 decibels. Such limits shall be reduced by 5 decibels, however, for any noise of an impulsive or periodic character (hammering, screech, etc.). These standards shall also apply to amplified loudspeakers, compressors and similar devices.

- C. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc. (ANSI). The Township may, as a condition of approval in the case of Conditional Uses, require additional setbacks, buffers and fencing, or limit the hours of operation to attenuate or mitigate any potential noise impacts of any proposed use.

## TEXAS TOWNSHIP ZONING ORDINANCE

- D. The maximum permissible sound levels of this section shall not apply to emergency or security alarms, repair or construction work to provide public utilities, construction operations between the hours of 7:00 AM and 9:00 PM, emergency repairs, agricultural activities other than kennels, motor vehicles when used on public streets in accord with state regulations, aircraft, government authorized public celebrations, unamplified human voices or routine ringing of bells or chimes by a place of worship or similar facility.

### 406.7 Vibration

No vibration shall be permitted which is detectable without instruments at or beyond the property line.

### 406.8 Lighting and Glare

The standards of this §406.8 shall apply to all uses including residential and agricultural. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- A. Exemption - This §406.8 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
- B. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- E. Hazards - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a hazard to drivers and residents of the Townships.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty (30) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25<sup>th</sup> and January 10<sup>th</sup>.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 406.9 Smoke

No emission of smoke shall be permitted from any chimney or otherwise except in full compliance with PA Department of Environmental Protection regulations and, specifically, § 123.14 pertaining to Outdoor Wood-Fired Boilers.

### 406.10 Odors

No emission shall be permitted of odorous gases or other odorous matter except in full compliance with PA Department of Environmental Protection requirements. Because the Township is a rural/agricultural area with farms, the spreading of manure, shall not be considered an offensive odor and shall be exempt from this §406.10.

### 406.11 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted except in full compliance with PA Department of Environmental Protection requirements.

### 406.12 Surface and Ground Water Protection

- A. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality.
- B. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

406.13 Storm Water Management and Soil Erosion Control - A storm water management plan and soil erosion control plan incorporating best management practices shall be required for review and approval pursuant to the standards contained in the *Township Subdivision and Land Development Ordinance*.

### 406.14 Waste Materials

All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

### 406.15 Settling and/or Storage Ponds and Reservoirs

All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process shall be fenced or shall otherwise be

## TEXAS TOWNSHIP ZONING ORDINANCE

physically controlled to prevent access by the public. Said fence shall be not less than four (4) feet high and of a design to restrict access to the area to be controlled.

### 406.16 Security

In cases where deemed necessary by the Township (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility.

### 406.17 Water Supply

All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential and nonresidential developments or uses will ensure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources.

### 406.18 Sewage Disposal

Sewage disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Township and the Pennsylvania Department of Environmental Protection.

### 406.19 Other Regulations

The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, may require documentation from the Applicant demonstrating the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations.

## **407 Multi-family Dwellings**

### 407.1 Procedure

Multi-family dwelling projects shall be conditional uses subject to the provisions of this Ordinance and shall also be considered major subdivisions and land developments subject to the jurisdiction of the Texas Township Subdivision and Land Development Ordinance.

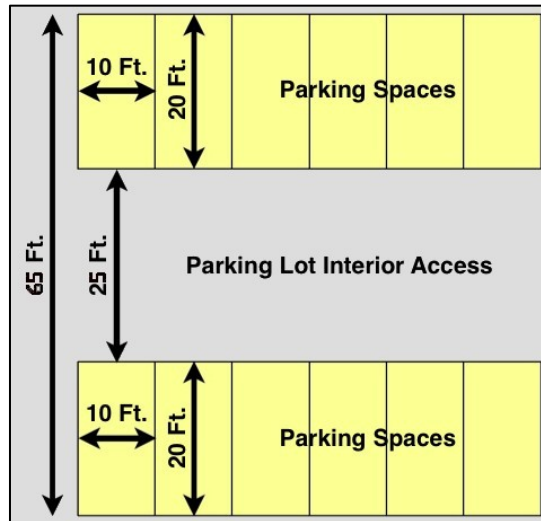
## **408 Off-Street Parking and Loading**

### 408.1. Parking

- A. Parking shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. Parking spaces shall be a minimum of 10 feet wide and 20 feet deep. Perpendicular parking spaces shall be accessed by an interior drive of no less than 25 feet in width for turning purposes (see illustration). This distance may be reduced to 20 feet for 60 degree angle parking, 15 feet for 45

## TEXAS TOWNSHIP ZONING ORDINANCE

degree angle parking and 13 feet for 30 degree angle parking. The Township may modify these standards in conjunction with conditional use or special exception review to fit the needs of particular enterprises.



- C. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Township Board of Supervisors.
- D. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways and downward to illuminate the parking areas without any illumination propagating above a plane horizontal to the origin of illumination.
- E. Parking shall not be permitted on public right-of-ways.
- F. Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. One-family and two-family residential uses shall be provided with two off-street parking spaces per dwelling unit. Parking needs with respect to all other uses shall be determined during conditional use, special exception or land development review as follows:
  - 1. The following additional parking standards shall apply to all applications for new, expanded or modified land uses, and apply cumulatively in the case of mixed-use projects such as resorts, provided that adjustments may be made by the Board of Supervisors to reflect the likelihood of shared parking within the project:

<b>Basic Parking Requirements</b>	
<b>Land Use</b>	<b>Parking Requirement</b>
Hotels/motels	1 space per rental room plus 1 for each 4 employees
Industrial uses	1 space per 400 sq. ft. floor area
Commercial uses	1 space per 175 sq. ft. floor area
Places of public assembly	1 space per 4 seats
Offices	1 space per 200 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Vehicle service establishments	4 spaces plus 1 per employee

## TEXAS TOWNSHIP ZONING ORDINANCE

2. Any applicant may also request, in writing, a modification of parking standards. The amount of parking may, in such instances, or others where the above standards are not directly applicable, be reduced or increased by the Board of Supervisors based upon the following criteria:
  - a. Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Board of Supervisors may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
  - b. The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, even though the number of dwelling units is the same.
  - c. The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
  - d. Recommendations, if any, from Township consultants, other public agencies or information sources that suggest, based on experience, the appropriate amount of parking in connection with a given use.
  - e. The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
  - f. The availability of reserve areas designated on the site plan for future parking development in the event of demonstrated need, as determined and directed by the Building Inspector or Board of Supervisors.
  - g. The Board of Supervisors shall apply a similar approach in determining parking needs in cases of unlisted uses.

### 408.2. Access, Loading and Unloading

- A. In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be sixty (60) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of materials.
- B. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:
  1. Access drives shall not open upon any public right-of-way within (80) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either

## TEXAS TOWNSHIP ZONING ORDINANCE

direction would be less than two hundred (200) feet. Access drives onto state highways shall be subject to Pennsylvania Department of Transportation standards.

2. There shall be no more than one entrance and one exit to any business or parking area on any one highway. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. In no case shall one entrance and exit be located within eighty (80) feet of any other on the same property or adjoining property along the same public right-of-way. Non-conforming lots, however, shall be exempt from this requirement.
  3. Interior access drives shall be provided for movement of traffic to the public right-of-way.
  4. Access drives, parking areas and unloading areas shall be designed so as to not require backing out of vehicles onto any highway or through road, whether public or private, although the Township Board of Supervisors may waive this requirement for residential parking spaces on existing lots where the through traffic is less than 200 vehicles per day. All new or modified truck unloading areas shall provide an off-street turn-around area of sufficient size to accommodate a full-size tractor-trailer combination.
- C. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least four (4) feet in width.

### **409 Reserved**

### **410 Group Homes**

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses, this §410 and other applicable standards of this Zoning Ordinance.

#### 410.1 Definition

See definition in Article II.

#### 410.2 Supervision

There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

#### 410.3 Certification

The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 410.4 Counseling

Any medical or counseling services provided on the lot shall be limited to residents.

### 410.5 Parking

One off-street parking space shall be provided for each employee on duty at any one time, and every two (2) residents of a type reasonably expected to be capable of driving a vehicle.

### 410.6 Number of Residents

A maximum number of eight (8) total persons shall reside in a group home, excluding the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.

## **411 Stables, Kennels and Animal Shelters, and Zoos and Menageries Wild and Exotic Animals**

### 411.1 Stables, Private

Private stables, where permitted, shall comply with the following:

- A. A minimum parcel of two (2) acres shall be required for the residence and stable for a maximum of two (2) equines plus one additional equine for each additional-acre of land.
- B. Two hundred (200) square feet of stable building area shall be provided for each equine kept on the property.
- C. No stable building or corral shall be located within fifty (50) feet of an adjoining property line and fifty (50) feet from any public or private road.
- D. All equines shall be restricted from grazing or intruding on an adjoining property.

### 411.2 Stables, Commercial

Commercial stables shall comply with the following:

- A. A minimum parcel of five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises for a maximum of three (3) plus one additional equines for each additional acre of land.
- B. The stable building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each additional equine.
- C. All equine shall be restricted from grazing or intruding on an adjoining property.
- D. Adequate off-street parking shall be provided pursuant to §408 of this Ordinance with one space provided for each non-resident employee and one space per two (2) equines kept on the premises

## TEXAS TOWNSHIP ZONING ORDINANCE

- E. No stable building or corral shall be located within one hundred (100) feet of an adjoining property line and seventy-five (75) feet from any public or private road.

### 411.3 Kennels and Animal Shelters

Kennels and animal shelters shall comply with the following:

- A. A minimum parcel of three (3) acres shall be required.
- B. No structure used for the keeping of dogs shall be located closer than one hundred twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road.
- C. A noise barrier consisting of a solid fence not less than 6 feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- D. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

### 411.4 Zoos and Menageries

Menageries and zoos and the keeping of wild and exotic animals shall, in addition to all other applicable Township, state and federal requirements, comply with the following:

- A. Minimum Parcel - A minimum parcel size of five (5) acres shall be required.
- B. Sanitary Condition - All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. Offensive Odors and Noise - The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise and shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- D. Animal Escape - Animals shall be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises and make adequate provisions and safeguards to protect the public from the animals.
- E. Pen Setback - Any building, pen, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within two hundred (200) feet of any adjoining property line and one hundred fifty (150) feet from any public or private road right-of-way.
- F. Waste Material - The applicant shall provide for adequate disposal of all waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

# TEXAS TOWNSHIP ZONING ORDINANCE

## 412 Adult Businesses and Uses

### 412.1 Findings

In adopting these standards which apply to adult businesses, the Township has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of The Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Township, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 427 U.S. 50 (1976), and *Northend Cinema, Inc., v. Seattle*, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

- A. Health Concerns - The concern over sexually transmitted diseases is a legitimate health concern which demands reasonable regulation of adult businesses and adult uses.
- B. Sexual Activities - Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- C. Communicable Diseases - At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- D. Unhealthy Conditions - Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- E. Accountability - Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- F. Externalities -There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- G. Operational Characteristics - It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality

## TEXAS TOWNSHIP ZONING ORDINANCE

of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.

### 412.2 Intent

It is the intent of this §412 to:

- A. Secondary Effects - Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Zoning District - Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Content - Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

### 412.3 Conditional Use

Adult businesses are classified as conditional uses in the District specified in the Schedule of Uses.

### 412.4 Standards

In addition to the other applicable general standards and the conditional use criteria contained in this Ordinance, the following standards shall apply to adult businesses:

- A. Setback - Adult businesses shall not be located less than one thousand (1,000) feet from any:
  - 1. Dwelling.
  - 2. Place of worship.
  - 3. Public or private school or college.
  - 4. Public park or public recreation facility.
  - 5. Semi-public or public use.
  - 6. Health facility.
  - 7. Child day care center.
  - 8. Commercial enterprises catering primarily to persons under eighteen (18) years of age.

## TEXAS TOWNSHIP ZONING ORDINANCE

9. Gaming establishment.
- B. Similar Businesses - Adult businesses shall not be located within one thousand (1,000) feet of any other adult business.
- C. Measurement - The setback distances established in this §412 shall be as measured from the nearest edge of the building used for the adult business to the nearest edge of the building used for a use from which the required setback applies.
- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, in accord with Article IX of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Lighting - Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this Ordinance.
- G. Visibility - Any building, structure, or room used and occupied as an adult business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed, and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- H. Signs - Exterior signs shall comply with the provisions of Article VIII; however, business identification signs shall be limited to a maximum of 20 square feet and signs attached to the building facade shall be limited to a maximum total of 10 square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- I. Entrances - Each and every entrance to the structure shall be posted with a notice that the use is an Adult Business, that persons under the age of 18 are not permitted to enter, and warning all others that they may be offended upon entry.
- J. Physical or Sexual Contact - No use shall include live actual or simulated sex acts or any physical or sexual contact between employees and contractors, entertainers or dancers, nor between employees, contractors, entertainers or dancers and customers.
- K. Hours of Operation - The use shall not operate between the hours of 2 a.m. and 7 a.m.
- M. Viewing Booths - For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- O. State Law Compliance - As a specific condition of approval under this Ordinance, the applicant shall

## TEXAS TOWNSHIP ZONING ORDINANCE

prove compliance with all applicable State laws, including, but not limited to, the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).

- P. Exemption for Modeling Class: Any modeling class that involves a person appearing in a state of nudity and that has no sign visible from the exterior of the structure, and no other advertising indicating a nude person is available for viewing.

### **413 Placement and Screening of Dumpsters/Waste Containers**

#### 413.1 Screening

All trash dumpsters/waste containers (see definition in Article II) depicted on a site or development plan processed hereunder shall be screened to a height of not less than eight (8) feet on all four (4) sides. A solid wooden fence (or gate on the access side), brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

#### 413.2 Enclosed Containers

Trash dumpsters shall be adequately enclosed and covered to control the attraction of rodents and insects.

#### 413.3 Temporary Placement of Dumpsters/Waste Containers

Temporary placement of dumpsters/waste containers shall be exempt from this Section 413.

### **414 Special Conservation Standards**

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards. The procedures and standards are as follows:

#### 414.1 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of twenty-five (25) percent. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed and the applicant shall provide documentation of slope to the satisfaction of the Township. Any use or development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met:

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading plan has been prepared showing existing and proposed ground surfaces.

## TEXAS TOWNSHIP ZONING ORDINANCE

- C. The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying zoning district.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.

### 414.2 Floodplain

See Article VII FLOODPLAIN MANAGEMENT and § 301.3 regarding the Floodplain Overlay District.

### 415 Clearing of Vegetation

Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

### 416 Traffic Impact Study (TIS)

Traffic impact studies are required for certain activities to enable the Townships to assess the effect on the transportation system in and around the Townships.

#### 416.1 TIS Requirement.

- A. **Thresholds** - A TIS shall be required for all residential and nonresidential proposals that are projected to generate one hundred fifty (150) or more trip-ends per project peak hour or one thousand five hundred (1,500) trip-ends or more per day based on the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) above these peak hour or daily thresholds. The applicant shall pay for such TIS.
- B. **Other Projects** - The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may also require the developer secure a TIS for other proposed conditional uses or special exceptions, that for reasons of location, design, existing traffic or other significant community or environmental considerations, warrant a TIS to determine what conditions should be required to mitigate any adverse effects of the proposed use. The TIS shall be prepared by a registered professional traffic engineer or transportation planner with verifiable experience in preparing such studies and generally follow PennDOT methodology. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may also waive components of the TIS such entity deems unnecessary.

### 417 Large Retail Establishments

The standards in this section shall apply to new large retail establishments or any combination of retail establishments in a single building (or multiple buildings developed as a shopping center or plaza) occupying more than twenty-five thousand (25,000) gross square feet of lot area or any addition to an

## TEXAS TOWNSHIP ZONING ORDINANCE

existing large retail establishment that would increase the gross square feet of floor area by fifty (50) percent or more.

- A. Any facade greater than one hundred (100) feet in length which abuts a public street shall incorporate recesses, projections or other features designed to break up the large expanse of wall, and do so along at least twenty (20) percent of the length of the facade.
- B. Parapets shall be provided to conceal flat roofs and rooftop equipment.
- C. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- D. Predominate exterior building materials shall be of brick, wood, sandstone, other native stone, and tinted/textured concrete masonry, tilt-up concrete panels, or prefabricated steel panels.
- E. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized and out of view from adjacent properties and public streets
- F. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping.
- G. The parking of trailers or use of containers for storage shall only be permitted at a location which is approved as part of the zoning application, and additional setbacks, screening and/or buffers may be required.

### **418 Height Limitations**

#### 418.1 Exemptions

Unless otherwise regulated by this Ordinance, height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances.

#### 418.2 Conditional Use

Any such structure which exceeds a height of fifty (50) feet shall be considered a conditional use. Provided that for each foot by which the height of such a structure exceeds fifty (50 feet), the required minimum setback in all directions shall be correspondingly increased by one (1) foot.

### **419 Agricultural Uses - Crop Production and Animal Husbandry**

In addition to the other applicable standards of this Ordinance, agricultural uses, other than 4-H projects and the like, shall be subject to any applicable State and Federal requirements and the following:

## TEXAS TOWNSHIP ZONING ORDINANCE

### 419.1 Crop Production

Crop production shall be permitted in any district on any size of parcel of land.

### 419.2 Animal Husbandry

Animal husbandry shall be permitted only in those districts as designated on the Schedule of Uses and the following shall apply.

#### A. Animal Husbandry, Commercial

1. A minimum parcel size of three (3) acres shall be required plus one-half (0.5) acre for each additional head of livestock.
2. The minimum front, side and rear setback distances shall be one-hundred (100) feet for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste in all Districts.

#### B. Animal Husbandry, Home Use

1. The following minimum parcel sizes shall be required (including the dwelling unit):
  - a. Livestock - Three (3) acres.
  - b. Small animals and fowl – Two (2) acres.
2. A seventy-five (75) feet minimum front, side and rear setback shall be maintained for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste:
3. All animals shall be confined to the property of the animals' owner and the keeping of any livestock or small animals and fowl which constitutes a public nuisance shall be prohibited.

### 419.3 State Protected Agricultural Operations

Nothing in this Ordinance is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute. Notwithstanding this, the Township Board of Supervisors shall be notified when any easement related to these protections is created.

## 420 Airports and Heliports

Any application for an airport or heliport shall also document compliance with all applicable state and federal regulations pertaining to airports and heliports. Runways shall be a minimum of five hundred (500) feet from any property line and helicopter landing pads shall be a minimum of two-hundred (200) feet from any property line but greater setbacks may be required based on specific site characteristics,

## TEXAS TOWNSHIP ZONING ORDINANCE

surrounding uses and state and federal regulations.

### **421 Bed and Breakfast Inns**

Bed and breakfast inns (see Article II for definition) shall comply with the following:

- A. Adequate off-street parking shall be provided in accord with §408.
- B. Not more than four (4) rentable rooms shall be provided in the establishment.
- C. The owner or manager of the bed and breakfast inn shall reside on the premises.

### **422 Commercial Communication Devices**

422.1 Permit Requirements. Commercial communication devices are permitted as conditional uses in certain districts.

422.2 Design and location standards. The following design and location standards shall apply to all communications facilities:

- A. The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.
- B. An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Township may, however, modify or waive screening requirements if the site is entirely or partially wooded so as to provide existing screening.
- C. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
- D. The tower and antenna shall be designed and constructed to all applicable standards of the American National Standards Institute.
- E. A soil report prepared by a Professional Engineer shall be submitted to the Township to support the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- F. Telecommunications facilities shall be subject to the following subdivision and land development standards:
  - 1. Minimum facility lot size = Minimum necessary for setbacks.
  - 2. Minimum setback = Tower height plus twenty-five (25) feet.
- G. A telecommunications facility shall be permitted on a property with an existing use subject to the following conditions:
  - 1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
  - 2. Minimum lot area. The five (5) acre minimum lot area shall apply to the area designated for

## TEXAS TOWNSHIP ZONING ORDINANCE

- tower use. Land remaining shall comply with the minimum lot size otherwise applicable
3. Minimum setbacks. The two-hundred (200) feet minimum setback required above shall apply to the area designated for tower use.
  4. Access roads. The vehicular access to the facility shall, whenever feasible, be provided along the circulation driveways of the existing use and incorporate storm water management measures.
- H. The applicant shall demonstrate the tower for the communications facility is the minimum height necessary for the service area and the site chosen is the one affording the opportunity to construct the lowest height tower possible, taking into consideration all lands available within a reasonable distance.
- I. The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
- J. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees providing a natural buffer shall be preserved unless required to be removed for purposes of access or safety.
- K. The applicant shall provide visual depictions or studies to indicate how the facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents.
- L. Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- M. All communications structures shall be lighted for safety, if required, in a manner consistent with industry best practices and additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- N. Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and fees. A financial guarantee for the same shall be required to cover 115% the cost and shall be updated every three years with costs subject to review by the Township Engineer and the form of the agreement subject to review of the Township Solicitor, the agreement to be approved by the Township Board of Supervisors.
- O. An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities and co-location shall be mandatory wherever physically feasible.
- P. The Township may require an applicant to provide accessibility to its facilities for emergency purposes by community organizations responsible for emergency communications.

## TEXAS TOWNSHIP ZONING ORDINANCE

- Q. The Township may consider any other factor relative to public health, safety and welfare in reviewing an application and may impose conditions with respect to screening, noise generation, traffic, lighting or any other criteria contained herein and the Township may, for these purposes, require full disclosure of the uses of the facilities and the specifications with regard to all apparatus and require updates as may be appropriate when equipment is added or modified.

### **423 Concentrated Animal Feeding Operations (CAFO)**

#### 423.1 Definition of CAFO

Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

#### 423.2 Conditional Use

CAFO's shall be considered conditional uses and only in those districts specified by the Schedule of Uses.

423.3 Parcel Size - The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be fifty (50) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act and its regulations.

### **424 Junk Yards**

Junk yards shall comply with the following:

#### 424.1 Property Owner Responsibility

It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated and the owner of any such junk to comply with this Ordinance, and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.

#### 424.2 Operating Standards

All and proposed junk yards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

## TEXAS TOWNSHIP ZONING ORDINANCE

- C. Screening - All junk yards shall be screened, to the satisfaction of the Township, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than one hundred (100) feet from any public road right-of-way, one hundred (100) feet to any property line or one hundred and fifty (150) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this §424.2,D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this §424.2,D.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Township deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- I. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- J. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- K. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.

### **425 Mineral Extraction**

In addition to other applicable standards of this Ordinance, this §425 shall apply to mineral extraction and oil and gas well operations.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 425.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. The Planning Code §603(l) states that zoning ordinances shall provide for the reasonable development of minerals in each municipality. The Code definition of minerals is:

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

The Code, at §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

### 425.2 Intent and Exemption

- A. Intent - The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare.
- B. Oil and Gas Wells; Horizontal Capture of Natural Gas - Oil and gas wells shall comply with this §425 and the other applicable requirements of this Ordinance. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

### 425.3 Use Classification; Mineral Extraction, Minor; Mineral Processing a Separate Use

- A. Use Classification - Mineral extraction shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. Mineral Extraction, Minor - Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as mineral extraction, minor.
- C. Mineral Processing- Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered mineral processing, a separate and distinct use regulated as manufacturing by this Zoning Ordinance. This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 425.4 Standards

In addition to the performance standards in §406 and all other applicable standards of this Ordinance that are not preempted by state statute, mineral extraction operations shall comply with the following:

- A. Oil and Gas Wells in Certain Districts - A minimum parcel size of ten (10) acres shall be required for oil and gas wells in R-1, R-2, R-3 and C-2 Districts.
- B. Setback - A setback of one hundred (100) feet shall be maintained between any disturbed area associated with any mineral extraction, mineral extraction, minor or oil and gas well operation and adjoining properties and public road rights-of-way. The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.
- C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

### 425.5 Local, State and Federal Regulations

Mineral extraction, mineral extraction, minor and oil and gas well operations shall comply with all applicable local, state and federal laws and rules and regulations.

### 425.6 Informational Requirements

The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. A copy of all applications and information required by the applicable DEP Rules and Regulations shall also be supplied.

## **426 Mineral Processing**

Mineral processing is considered a conditional use. In addition to the performance standards in §406 and all other applicable standards of this Ordinance, the requirements of this §426 shall apply.

### 426.1 Location Requirements

Mineral processing operations shall comply with the following requirements:

- A. Setbacks - The following setbacks shall be maintained for any mineral processing operation:
  - 1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
  - 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
  - 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. Buffer -An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

### 426.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

### 427 Pipeline Compressor Stations, Metering Stations or Operation/Maintenance Facilities

Pipeline compressor stations, metering stations or operation/maintenance facilities (referred to as facilities) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §406 and all other applicable standards of this Ordinance, the requirements of this §427 shall apply.

#### 427.1 Standards

The facilities shall comply with the following requirements:

- A. Building; Noise - All compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §406.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.
- B. Setbacks and Buffers
  - 1. Facilities - The following setbacks and buffers shall be applied to any facilities used to compress, decompress, process, heat, alter or transform the pipeline product:
    - a. Setbacks - The following setbacks shall be maintained:
      - (1) Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
      - (2) Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
    - b. Buffer - An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used

## TEXAS TOWNSHIP ZONING ORDINANCE

for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines.

2. Other Components - Pipeline valves, metering stations, pig launchers/receivers, and other components that are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product shall not be less than twenty-five (25) feet from any adjoining property line not subject to the right-of-way.

### 427.2 Local, State and Federal Regulations

All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

### 428 Self-Storage Facilities

Self-storage facilities shall be permitted only in those districts as specified in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards of this Ordinance.

#### 428.1 Bulk Requirements

Minimum lot size, lot width and yards, and maximum lot coverage and building height shall conform to district standards. Minimum distance between buildings shall be twenty (20) feet.

#### 428.2 Setback Areas

There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).

#### 428.3 Storage Limitations

No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial, light manufacturing or industrial activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.

#### 428.4 Lighting

All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

#### 428.5 Fire - Water Damage

All storage units shall be fire-resistant and water-resistant.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 428.6 Materials Stored

All self-storage facilities shall prohibit the storage of hazardous and explosive materials and all proposals shall include detailed information on the nature of materials to be prohibited on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this §428 are or will be satisfied.

### 429 Solar Power Generation, Commercial

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Schedule of Uses.

#### 429.1 Purposes

To accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

#### 429.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every solar power facility installed in the Township.
- B. Associated Use - All other uses ancillary to the solar power facility (including battery storage, a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- C. Solar Power Facility as a Second Principal Use - A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
  - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
  - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

#### 429.3 Standards and Design

- A. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. Parcel Size; Setbacks; Separate Parcel - If the parcel on which the solar power facility is a separate and distinct parcel or if the parcel is leased, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied to the property line and/or lease line. The setback solar collectors, all structures, equipment containers and any associated mechanical facilities shall comply with setback requirements for principal structures of the underlying zoning district.
- C. Fencing - A fence may be required around the facility or portions of the facility for safety reasons.
- D. Landscaping - Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties.
- E. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility.
- F. Access; Required Parking - Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. A minimum of two (2) off-street parking spaces shall be required.
- G. Communications Interference - The applicant shall document the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- H. Glare - The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads will be controlled.
- I. Historic Structures - A solar power facility shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- J. Standards; Certification - The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- K. Uniform Construction Code - To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- L. Electrical Components - All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

## TEXAS TOWNSHIP ZONING ORDINANCE

- M. Warnings - A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (ten) feet from the ground.
- N. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- O. Transmission and Power Lines - On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- R. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.
- S. Battery Equipment - Any battery energy storage equipment shall be setback a minimum of two-hundred (200) feet from all property lines.

### 429.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

### 429.5 Decommissioning

- A. The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within (12) twelve months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of

## TEXAS TOWNSHIP ZONING ORDINANCE

decommissioning net salvage value of the equipment. Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

- E. The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Township Solicitor, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one-hundred-eighty (180) days to complete decommissioning.
- H. If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. The escrow agent shall release the decommissioning funds in whole or in part when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed in whole or in part, or upon written approval of the Township in order to implement the decommissioning plan.

### **430 Solid Waste Facilities**

- A. Solid waste facilities, including transfer stations and staging areas, herein referred to as facilities shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and where a difference exists between applicable State regulations and Township regulations, it is intended the more stringent requirements shall apply.
- B. In no case shall any facility be operated less than two hundred fifty feet from a public or private right-of-way or property line and these setback areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than twenty (20) feet in width shall be provided in all setback areas in accord with §406.1 of this Ordinance and additional buffers and setbacks may be required.
- C. All facilities shall also be completely enclosed by a chain link fence not less than ten (10) feet in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.
- E. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than

## TEXAS TOWNSHIP ZONING ORDINANCE

three (3) hours shall be stored in an enclosed building.

### **431 Vehicle Related Uses**

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §431.

#### **431.1 Car and Truck Wash Facilities**

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- B. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- C. The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.

#### **431.2 Automobile Service Stations and Vehicle or Equipment Repair Operations**

All automobile service stations and vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- A. All service and repair activities shall be conducted within completely enclosed buildings where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- B. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors.
- C. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening.
- D. No vehicles shall be stored in any required setback areas.
- E. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any residential district.
- F. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 431.3 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, manufactured homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific requirements:

- A. The outdoor display of new and used cars, trucks, motorcycles, manufactured homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.
- B. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §431.2.
- C. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- D. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening.

### 432 Wind Energy

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind energy facilities:

#### 432.1 Permits; Use Regulations

- A. Permits - A zoning permit shall be required for every wind energy facility.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the District in which the wind energy facility is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind energy facility.
- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property with an existing use in districts where permitted provided minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 432.2 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate the wind turbines are at the minimum height required to function satisfactorily. No wind turbine that is taller than this minimum height shall be approved.
  
- B. Parcel Size; Setbacks
  - 1. No wind turbine shall be located closer to any property line (not lease, license or easement line) than one and one tenth (1.1) times the turbine height, including the rotor plane.
  
  - 2. Principal Structures on Other Parcels - No wind turbine shall be located less than two thousand (2,000) feet from any principal structure existing on any other parcel prior to the erection of the wind turbine as measured from the center point of the turbine base unless the owner of such existing principal structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned that has been recorded in the Office of the Recorder of Deeds of Wayne County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator within the established setback distance of an existing principal structure on the property of the owner executing same. Such easement, covenant or consent shall meet such requirements as to form and content as may be required by the Township. In no event shall the setback distance be less than one and one tenth (1.1) times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.
  
  - 3. Horizontal Rotors - The required setbacks for windmills with horizontal rotors shall not be less than one and one tenth (1.1) times the height of the turbine tower or one and one tenth (1.1) times the height of the turbine tower plus the distance of the outer end of the rotor from the tower, whichever is greater.
  
- C. Wind Energy Facility Design
  - 1. Standards; Certification - The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from certifying organizations.
  
  - 2. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
  
  - 3. Signs - No advertising material or signs other than warning, equipment information or indication of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waiving, fluttering or revolving devices, but not including weather devices.

## TEXAS TOWNSHIP ZONING ORDINANCE

4. Climb Prevention/Locks/Fence - Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. and all access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
  5. Emergency Services - The facility shall comply with all applicable local, state and federal fire code and emergency services guidelines.
  6. Other Regulations - The applicant shall document compliance with all applicable state and federal regulations.
- D. Noise and Shadow Flicker
1. Audible sound from a wind energy facility shall not exceed forty-five (45) dBA as measured at the exterior of any occupied building on any other parcel. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
  2. The facility owner and operator shall use best efforts to minimize shadow flicker to any occupied building on any other parcel. For the purposes of this Subsection D, occupied building shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted
- E. Access; Required Parking - Access to the wind energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length and comply with stormwater management and erosion control standards. If the wind energy facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.
- F. Color and Lighting; FAA and PA DOT Notice - Wind turbines, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements. If lighting is required, the lighting alternatives and design chosen shall minimize the disturbance to the surrounding views. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- G. Transmission and Power Lines - On-site transmission and power lines between wind turbines shall, to the greatest extent possible, be placed underground.
- H. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished; and, this may be accomplished by remedial measures instituted by the wind energy facility operator.
- I. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall utilize Good Utility Practice to minimize the impact, if any, of stray voltage and/or EMF.

## TEXAS TOWNSHIP ZONING ORDINANCE

- J. Emergency Services - Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

### 432.3 Certification

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure shall be designed and constructed in accord with accepted engineering practices and all requirements of this Ordinance. Within forty-five (45) days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.

### 432.4 Public Inquiries and Complaints

The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

### 432.5 Decommissioning

- A. The facility owner and operator shall, at its own expense, complete decommissioning of the facility, or individual components, within (12) twelve months after the end of the useful life of the facility or individual components. The facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment. Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. The facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Township Solicitor, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. If the facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have eighty (80) days to complete decommissioning.

## TEXAS TOWNSHIP ZONING ORDINANCE

- H. If neither the facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

### 432.8 Wind Test Towers

Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with other applicable requirements of this Zoning Ordinance. Such towers shall be removed within eighteen (18) months of installation.

## 433 Short Term Rentals

### 433.1 Purposes

This section is intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of residential structures and premises on a short term and/or vacation basis.

### 433.2 Applicability

The provisions of this section shall apply to all existing residential, conversions of nonresidential structures to residential dwellings, all existing premises and shall constitute the minimum requirements and standards for said premises for the occupancy, life safety, safety from fire and other hazards. The owner of the rental property shall be responsible for compliance with these provisions.

### 433.3 Local Contact Person

Each owner of a long-term or short term rental shall designate a local person, property manager or agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner who resides within 10 miles of premises may designate himself as the local contact person. The local contact person shall respond to the Zoning Officer within one (1) hour after being notified of the existence of a violation of this section or any disturbance requiring immediate remedy or abatement.

### 433.4 Certificate of Use

A Certificate of Use under this section shall be required when any dwelling unit is initially proposed to be used as a short term rental. An application for any property presently used as short term rental shall be filed within ninety (90) days of the effective date of this section. Each Certificate of Use shall be renewed annually and shall be issued only in the name of the owner of the short term rental.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 433.5 Application

An application for a short term rental Certificate of Use shall be filed with the Zoning Officer. The application shall contain the following information:

- A. The name, address, phone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person, the owner shall provide a 24-hour phone number.
- B. The name, address, and 24-hour phone number of the managing agency, agent or local contact person.
- C. A diagram or photograph of the premises showing and indicating the number and location of required designated on-site parking spaces.
- D. If not on a central sewer system, the location, approximate age and capacity (if known) of the sewage disposal system.
- E. Acknowledgment the owner, agent, and/or local contact person have read all regulations pertaining to the operation of the short term rental.
- F. Acknowledgment the owner, agent, or local contact person will post and maintain the short term rental license along with any other notice required herein.

### 433.6 Standards and Conditions

- A. All licenses issued pursuant to this section are subject to the following standards:
  1. The owner shall limit overnight occupancy of the short term rental to two (2) people per bedroom plus an additional two (2) people.
  2. Every bedroom shall contain not less than seventy (70) square feet and every bedroom occupied by more than one (1) person shall contain not less than one hundred (100) square feet. Bedrooms shall not be less than seven (7) feet in any plan dimension.
  3. The owner shall limit the number of all vehicles to the number of parking spaces designated in the license. All parking for overnight guests and day guests shall be designated in the license and shall be located on the short term rental property. This may include spaces in the property's garage, but shall not include spaces in any private, community or public right-of-way.
  4. A minimum of one (1) parking space per bedroom shall be provided. All parking spaces shall be improved with paving, stone or similar material.
  5. If the short term rental is accessed directly from a Township or State road, all parking spaces shall be accessed from the driveway unless the unit is served by a common parking area.
  6. The owner shall use best efforts to assure that the occupants or guests of the short term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this section or any state law pertaining to noise or disorderly conduct by

## TEXAS TOWNSHIP ZONING ORDINANCE

notifying the occupants of the rules regarding short term rentals and responding when notified that occupants are violating provisions of this section and/or other applicable laws and regulations regarding their occupancy.

7. The owner shall, upon notification occupants or guests of the short term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this section or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct. The total number of persons occupying a dwelling unit at a given time shall not exceed the maximum overnight occupancy herein plus 50%.
8. The owner shall post a copy of the license and a copy of the conditions set forth herein in a conspicuous place within the short term rental.
9. Each short term rental shall have a clearly visible and legible notice conspicuously posted within the unit containing the following information:
  - a. The name of the managing agent, property manager, local contact, or owner of the unit and a phone number at which such party may be reached on a 24-hour basis.
  - b. The tax map parcel and control numbers and 911 address of the property, which shall be verified by the owner posting a 911 Address Verification from Wayne County.
  - c. The maximum number of occupants permitted to stay in the unit.
  - d. The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way.
  - e. Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage.
  - f. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this section; and
  - g. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation subject to a citation and fines.
  - h. A map of the property boundaries and approved parking spaces provided.
  - i. Notice that it shall be unlawful for any occupant or person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening of violence or fighting.
- B. The Zoning Officer shall, upon notice by Township Board of Supervisors, have authority to impose additional reasonable conditions on any license or renewal in the event of any prior violation of the conditions of the license or the provisions of this section.

## TEXAS TOWNSHIP ZONING ORDINANCE

- C. The marketing of a short term rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this section or which promotes any other activity prohibited by this section shall be a violation.

### 433.7 Zoning Officer Responsibilities

All short term rental units shall be subject to inspection and approval by the Zoning Officer to verify registration, application, license, operating and/or occupancy requirements or if there is reason to believe that any provision of this section is being violated.

### 433.8 Occupancy Standards

Each short term rental, to be approved, shall have:

- A. Smoke detectors in each bedroom and common hallway and on each floor.
- B. Carbon monoxide detectors if any coal, oil or gas furnace or fireplace is involved.
- C. A fire extinguisher in the kitchen.
- D. Any other features required by other regulations, including building code standards.

### 433.9 Short Term License Revocation

If an owner of a short term rental commits two (2) or more offenses resulting in convictions within one year, the short term rental license may be revoked.

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE V NONCONFORMITIES

### 501 Purpose, Applicability, Registration, and Continuation and Change

#### 501.1 Purpose

- A. Grandfather Rights - It is the purpose of this Article to recognize vested “grandfather” rights applicable to lots, structures and uses legally existing prior to zoning provisions with which they may no longer comply.
- B. Community Impact - It is also the purpose of this Article to limit the injurious impact of nonconforming lots, structures and uses on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or expansion of nonconforming lots, structures and uses may not be contrary to the public interest or the general purpose of this Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or expansion would itself lead to neighborhood or district deterioration.
- C. Standards - It is further the purpose of this Article to set standards to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

#### 501.2 Applicability

The provisions and protections of this Article V shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by § 503 or § 504 of this Article V.

#### 501.3 Registration

It shall be the responsibility of the party asserting a nonconformity to provide evidence the nonconformity is legal. A property owner may request a written certificate of nonconformity from the Zoning Officer after providing sufficient evidence.

#### 501.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners subject to the other provisions of this Ordinance. Any expansion, alteration, or change in a nonconformity shall only proceed in compliance with this Article.

### 502 Definitions

- A. Nonconforming Lot - A lot, the area or dimension of which was lawful prior to the effective date of this Ordinance, as amended, but that fails to conform to current requirements.
- B. Nonconforming Structure - A structure, the floor area, sign area, height, setback or other dimension of which was lawful prior to the effective date of this Ordinance, as amended, but that

## TEXAS TOWNSHIP ZONING ORDINANCE

fails to conform to current requirements. Such nonconforming structures include, but are not limited to, nonconforming signs.

- C. Nonconforming Use - A use, whether of land or of structure, that was lawful prior to the effective date of this Ordinance, as amended, but which fails to conform to current requirements.

### **503 Nonconformities Under Development**

For the purposes of this Article V, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a two-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

### **504 Nonconformities by Variance**

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

### **505 Normal Maintenance and Repair Activities**

Normal maintenance and repair activities, such as painting are allowed without zoning permit, as well as minor alterations and interior renovations that do not structurally alter the habitable portion of any principal building, or result in a different nature of use than currently existing. Improvements made for safety and accessibility, such as ramps, lifts, vestibules, canopies, and other entryway/exit changes shall be considered such minor additions and improvements and may be permitted under accessory use standards.

### **506 Changes of Nonconforming Uses**

A nonconforming use may only be changed to a conforming use or another nonconforming use of like classification. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

### **507 Expansion of Nonconforming Uses**

A nonconforming use may only be expanded onto another property of record if:

- A. That property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto;
- B. The owner has clearly exhausted the alternatives available for expansion on the existing property;
- C. The use is not one which has been altogether prohibited as a new use under this Ordinance; and,
- D. The affected properties will be combined into one larger lot with a new deed recorded for the same.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 508 Reconstruction

Any lawful nonconforming building, structure or use which has been damaged or destroyed (now 75% threshold) by fire, explosion, windstorm or other external cause may be reconstructed in the same location, provided the application for a zoning permit is submitted within two (2) years of the date of the casualty and the structure was not voluntarily demolished.

### 509 Abandonment and Reestablishment of Nonconformities

If a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of two (2) years or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use. Abandonment regulations shall not apply to agricultural uses.

### 510 Alterations of Nonconforming Structures

The alteration of nonconforming structures shall be permitted provided that no addition, change or expansion of a nonconforming use or structure shall further violate setback and/or height regulations of the district in which it is located; that is to say an established lesser setback than currently required may be extended along that line but not further reduced below the standard.

### 511 Review Factors

Changes or expansions of nonconforming uses shall be subject to the following review factors:

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in Subsection B below.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum. Setbacks and buffers shall be provided in accord with §406.1 of this Ordinance.
- C. Stormwater - There shall be no increase in the amount of stormwater runoff for the site over what was existing as of the date of the enactment of this Ordinance as documented by the Applicant.
- D. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance.

## TEXAS TOWNSHIP ZONING ORDINANCE

### **512 Use of Nonconforming Lots of Record**

In all districts, a lawful nonconforming lot of record may be used for any use permitted use in the district of location provided the owner does not own adjoining property, this Ordinance does not require a lot size for the specific use which is greater than the basic lot size for the District , no setback is reduced to less than fifty (50) percent of the requirement for the district in which the lot is located.and a sewage permit can be properly issued.

**TEXAS TOWNSHIP ZONING ORDINANCE**

**ARTICLE VI  
RESERVED**

# **TEXAS TOWNSHIP ZONING ORDINANCE**

## **ARTICLE VII FLOODPLAIN MANAGEMENT**

In addition to all other applicable standards of this Ordinance, the floodplain regulations in the Township Floodplain and Building Permit Ordinance shall apply. (See also § 301.3 regarding the Floodplain Overlay District).

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE VIII SIGNS

### 801 Administration

#### 801.1 Intent

The regulation of the location, size, placement, and certain features of signs is intended to:

- A. protect property rights and values within Texas Township;
- B. encourage sign design, placement and landscaping that protect the character of the Township;
- C. promote and aid the tourist industry and other enterprises within Texas Township;
- D. protect the general public from damage and injury that may caused by the faulty sign construction;
- E. avoid damage or injury attributable to distractions and obstructions caused by poorly placed signs;
- F. promote public safety, welfare, enjoyment of travel and free flow of traffic in the Township;
- G. assure signs are clear, identify facility locations or directions to to such facilities; and,
- H. enable the fair and consistent enforcement of the sign restrictions throughout Texas Township.

#### 801.2 Applicability - Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Ordinance. The effect of this Ordinance is to:

- A. establish a permit and review system that allows a variety of signs by zoning district;
- B. allow certain signs that are small, unobtrusive, and incidental to principal use of lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits; and
- C. provide for temporary signs.

#### 801.3 Definitions and Interpretation

Certain words and phrases used in this Article shall have the meanings set forth in this Section. All other words and phrases are either defined in Article II or shall be given their ordinary meaning in the context of this Ordinance.

**ADVERTISING SIGN (BILLBOARD)** - A sign of 40 or more square feet in surface area not otherwise defined or regulated herein that is intended to advertise products or services or deliver a message, regardless of connection to existing uses of the property. Double-faced such signs or two sign faces of the same size attached to form a single structure shall be considered a single sign, the sign area of which shall be

## TEXAS TOWNSHIP ZONING ORDINANCE

determined by visibility from a single direction

**BANNER SIGN** - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges with no enclosing framework. National flags, state or municipal flags of any institution or non-residential use shall not be considered banners.

**COMMERCIAL MESSAGE** - Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a non-residential use, product, service, or other commercial activity.

**CONSTRUCTION (CONTRACTOR) SIGN** - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**DEVELOPMENT SIGN** - A temporary sign used to identify an approved future development.

**DIRECTORY SIGN** - A sign that provides a listing of the names of non-residential uses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and that may contain the name and logo of an establishment but no advertising copy.

**FLAG** - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity that is mounted on a pole, cable, or rope at one end.

**FREESTANDING SIGN** - A sign permanently affixed to the ground and that is not attached to any building.

**GOVERNMENT SIGN** - Any sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

**GROUND SIGN** - A freestanding sign, rising from a ground foundation and not over eight (8) feet in height from average ground level to the top of the sign. The entire bottom of a ground sign is generally in contact with or close to the ground.

**ILLUMINATED SIGN** - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**INCIDENTAL SIGN** - An informational or advertising sign directed primarily to persons on the lot, such as a gas pump sign, credit card sign, pricing sign placed in a window or on a door, an automated teller machine sign, vending machine sign, "no parking" sign, "entrance" sign, "loading area" sign, "telephone" sign or other sign offering similar directives.

**MAINTENANCE** - The replacing or repairing of a portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting or replacement of copy.

**MULTIPLE TENANT COMMERCIAL BUILDING** - A commercial building or development in which there exists two or more separate commercial activities with appurtenant shared facilities (e.g. parking), and that is designed to offer a single area where the public can obtain varied products and services.

## TEXAS TOWNSHIP ZONING ORDINANCE

**NAME PLATE** - A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

**NONCONFORMING SIGN** - Any sign which is not allowed under this Ordinance, but which, when first constructed before this Ordinance was in effect and for which a sign permit was issued if required, was legally allowed by the Township.

**NON-RESIDENTIAL USE** - For the purposes of regulating signs, non-residential use shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

**NON-RESIDENTIAL USE NAME** - The name by which a non-residential use is commonly recognized and used by the applicant. Slogans or product information shall not be considered as the non-residential use name.

**OWNER** - A person recorded as such on official records. For the purpose of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign in the absence of contrary recorded evidence.

**PANEL** - A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

**PENNANT** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**POLITICAL SIGN** - A temporary sign that supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

**PORTABLE SIGN** - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames and menu or sandwich board signs.

**PROJECTING SIGN** - Any sign attached perpendicular to the surface of such building or wall. Projecting signs shall be considered wall signs for purposes of maximum sign area limitations.

**PUBLIC PROPERTY** - Any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee.

**REAL ESTATE SIGN** - A temporary sign advertising real estate upon which the sign is located for rent or sale.

**ROOF LINE** - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**ROOF SIGN** - Any sign mounted on the main roof portion of a building or on the topmost edge of a

## TEXAS TOWNSHIP ZONING ORDINANCE

building wall and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.

**SIGN** - Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, Commonwealth of Pennsylvania, Wayne County, Texas Township, or official historic plaques.

**SIGN AREA** - The area of sign face; computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display; together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall otherwise meeting zoning requirements incidental to the display itself. Sign area for a sign or sign structure with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

**SIGN HEIGHT** - The distance from the base of the sign at normal grade, or the crown of an adjoining street, whichever is higher, to the top of the highest attached component of the sign.

**TEMPORARY SIGN** - Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

**TRAFFIC DIRECTIONAL SIGN** - Signs used at driveways and within parking lots to improve public safety and to enhance access from public streets, by assisting vehicle operators with information on the flow of traffic.

**WALL SIGN** - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface.

**WINDOW WALL SIGN** - Any poster, cutout letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane for the purpose of reading from the building exterior.

### 801.4 Procedures

#### A. Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs identified on the Schedule of Sign Regulations as "Allowed with Permits from Zoning Officer" or "Permitted upon Review by the Township Board of Supervisors." Permits shall not be required for routine maintenance or changing of the parts or copy of a sign that does not alter the sign surface area or height.

## TEXAS TOWNSHIP ZONING ORDINANCE

### B. Permit Application

Applications for sign permits shall be submitted to the Zoning Officer along with required application fees. Two copies of plans and specifications shall be submitted with each application. One copy shall be returned to the applicant at the time the permit is granted. The application and plans shall, at a minimum, include:

1. Names and contact information for the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, the person preparing the plans and the person to be erecting or affixing the sign.
2. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
3. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
4. Two (2) sets of plans for the sign to be erected or affixed, along with specifications for the method of construction or attachment to the building and sign dimensions, color, lighting type and location (if any), materials and weight.
5. In the case of billboards, a copy of stress sheets and calculations prepared or approved by a registered structural engineer, showing the sign is designed for dead load and wind pressure in any direction.
6. The written consent of the owner of the structure or property on which the sign is to be erected or affixed.

### C. Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other application data and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign will comply with this Ordinance and other applicable ordinances of the Township and the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

### D. Expiration

If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.

### E. Permit Fees

Each sign requiring a sign permit shall pay a fee as established from a schedule adopted by resolution of the Township Board of Supervisors.

# TEXAS TOWNSHIP ZONING ORDINANCE

## F. Inspections

All signs for which a permit is required shall be subject to the following inspections:

1. Footer inspection on free standing signs of eight (8) feet or more in height or twenty-four (24) square feet in area.
2. A final site inspection to ensure the sign has been constructed according to the approved application, including inspection of braces, anchors, supports, connections, wall signs and markings required herein.

## 802 General Requirements

### 802.1 Prohibited Signs

All signs not expressly permitted or exempted under this Ordinance from regulation are prohibited in the Township. Other specifically prohibited signs are found on the attached Schedule of Sign Regulations.

### 802.2 Signs Allowed Without Permits

Certain signs, although subject to the standards of this Ordinance, shall be exempt from its permit requirements. A listing of such signs by zoning district may be found on the attached Schedule of Sign Regulations.

### 802.3 Construction Requirements

All signs permitted by this Ordinance shall be constructed in accord with the Pennsylvania Building Code if regulated by the Code and the following standards.

- A. Obstruction to Exit - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- B. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
- C. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code.
- D. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
- E. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.

## TEXAS TOWNSHIP ZONING ORDINANCE

- F. Traffic Hazards - No sign shall be erected so as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists, and all signs shall comply with the clear sight triangle requirements of this Ordinance.

### 802.4 Maintenance

Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, and is free of peeling paint, major cracks, or loose and dangling materials.

### 802.5 Illumination

All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

### 802.6 Changeable Panel Signs

Nothing herein shall prevent the inclusion of a changeable letter sign, identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located, as part of an otherwise permitted non-residential use identification or wall sign. Such signs shall meet side and rear yard setbacks.

### 802.7 Flags

Flags shall be permitted for commercial, manufacturing, industrial, public and semi-public uses. Pennsylvania and U.S. Flags shall be exempt from all provisions of this Ordinance. Garden and house flags used for decorative purposes in conjunction with residential uses shall also be exempt.

### 802.8 Wall Signs

Wall signs shall be securely attached to the wall and not extend above or beyond the top and ends of the wall. Projecting signs shall also be considered wall signs for purposes of maximum sign area limitations.

## 803 Temporary Signs

### 803.1 General Requirements

Temporary signs in association with an approved use and identifying a special, unique, or limited activity, service, product or sale of limited duration shall be located only upon the premises where such is to occur, excepting that temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes, that otherwise comply with this Ordinance, may be placed anywhere and shall not be subject to the strict sign area or time limitations applicable to other temporary signs. Temporary signs placed within a property so as to be directed to the attention of on-site customers or visitors, as opposed to motorists, pedestrians passing by or adjoining properties, shall not be restricted by these regulations.

## TEXAS TOWNSHIP ZONING ORDINANCE

### 803.2 Real Estate, Temporary Construction and Contractor Signs

Temporary construction, real estate and contractor signs shall be allowed only as accessory to an approved building permit for a project or development and shall be removed within thirty (30) days after the property is sold or the construction is completed.

### 803.3 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political issues contained on a ballot shall be erected or maintained for a period not to exceed sixty (60) days prior to the date of the election to which such signs are applicable and shall be removed within seven (7) days following such election. The candidate shall be responsible for all political signs placed on the candidate's behalf in public rights-of-way.

### 803.4 Temporary Yard or Garage Sale, Open House, or Auction Signs

Temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be erected no earlier than seven (7) days before the event and must be removed no later than three (3) days after the event. No such sign shall remain erected for a period longer than ten (10) days. No more than three (3) such events shall take place in a calendar year.

## 804 Residential Uses

Name and address signs of residential buildings and developments shall indicate only the name of the building, the name of the development in which it is located, the management thereof, and the address of the premises.

## 805 Commercial, Manufacturing, Public Use and Semi-public Uses

### 805.1 Shopping Center and Multiple Occupant Non-residential Use Identification Signs

The following standards shall apply to developments in which two (2) or more non-residential uses are housed in one (1) or more principal structures on a lot.

- A. There shall not be more than one (1) freestanding non-residential use identification sign for each principal development entrance. The area of a directory sign shall not exceed twenty (20) square feet for each exposed face for each occupant, franchise or activity in the project. The Maximum Sign Surface Area for freestanding signs shall be increased as may be necessary to accommodate the directory.
- B. Not more than two (2) non-residential use subdivision road entrance signs of thirty-two (32) square feet each, indicating only the name of the project, shall be permitted at each entrance to a shopping center or multiple occupant non-residential use.

### 805.2 Wood Relief Sign Area Bonus

The Zoning Officer may grant approval for a fifty (50) percent increase in area for signs permitted hereunder provided:

## TEXAS TOWNSHIP ZONING ORDINANCE

- A. Signs shall be wood or simulated wood relief only with indirect illumination.
- B. Signs shall be designed as an integral architectural element of the building and component of the site.
- C. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.

### 805.3 Non-residential Use Directional Signs

The intent of this section is to allow commercial, manufacturing, industrial, public and semi-public uses, referred to as non-residential uses in this section, located within Texas Township and without direct access to Route 6, Route 191 or Route 652 to erect signs directing the public to the use.

- A. Number - There shall not be more than two (2) freestanding non-residential use directional signs for each parcel of land eligible for such signs. Where multiple non-residential uses are located on the same parcel, directional signs shall refer to the parcel as a whole. Each non-residential use shall not be eligible for signs.
- B. Area - The surface area of each sign shall not exceed thirty-two (32) square feet for each exposed face.
- C. Sign Information - The information on the sign shall be limited to the non-residential use name, logo, type, telephone, addresses and directional information.

### 805.4 Common Directory Signs

The intent of this section is to allow commercial, manufacturing, industrial, public and semi-public uses, referred to as non-residential use in this section, to jointly erect and maintain a common directory sign to guide the public to the various uses.

- A. Conditional Use - The erection of any common directory sign shall be considered a Conditional Use.
- B. Number/Location - There shall not be more than two (2) common directory signs at any public road intersection.
- C. Area - The surface area of each sign shall not exceed one hundred fifty (150) square feet for each exposed face.
- D. Sign Information - Individual signs shall not exceed ten (10) square feet and be limited to the name, logo, type, telephone, addresses and directional information of each participating non-residential use.
- E. Non-residential Use Participation - Any non-residential use with an individual sign on a common directory sign shall be limited to one (1) non-residential use directional sign, and any non-residential use with an individual sign on a common directory sign shall be precluded from erecting any non-residential use directional sign.
- F. Maintenance Organization - The application shall include documentation of the existence of an organization which will be responsible for the maintenance of the sign.

## TEXAS TOWNSHIP ZONING ORDINANCE

- G. Property Owner Permission - The person making application for the erection of a the sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.

### 805.5 Historical Signage

Nothing herein shall prevent or consider as signage the placement of the year of construction or name of a builder or other historical marker data on a structure for non-advertising purposes.

### 806 Advertising Signs

- A. Advertising signs of 300 square feet or less in surface area shall be permitted in the C-1, C-2, ID and RU Districts as conditional uses, provided that any such sign within 100 feet of a R-1, R-2 or R-3 residential district shall be limited to 100 square feet in surface area.
- B. Any advertising sign located along a Federal primary highway (e.g., Route 6) shall also be located no closer than 100 linear feet to another such sign along either side of such highway and otherwise comply with Pennsylvania Department of Transportation Chapter 445 regulations for Outdoor Advertising Devices.
- C. The following additional conditional use review criteria shall apply to advertising signs:
1. The size and scale of the proposed sign shall not be disproportionate to the buildings and streetscape that exist.
  2. The sign shall not be so close in proximity to residential neighborhoods as to be readily visible from the same.
  3. The proposed sign shall be capable of being buffered and properly separated from any other similar advertising sign.
  4. The sign shall, to the maximum extent practicable, blend with both the streetscape and the viewshed.
- D. Advertising signs may include electronic messaging subject to the following:
1. Electronic message signs shall not display animation, flash or blink, scroll or have intermittent or full motion video. Motion shall be limited to the transition from one message to another.
  2. Electronic message signs shall be equipped with light sensors capable of measuring ambient light levels and dimming devices that shall lower the brightness of the sign based on the measured ambient light to minimize the brightness level required to make the sign visible. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and nighttime hours. At no time shall the brightness level of any electronic message sign constitute glare.
  3. No electronic message sign shall be located within 500 linear feet of any other electronic message sign on either side of a street.

## TEXAS TOWNSHIP ZONING ORDINANCE

4. Electronic message signs shall be located at least 150 feet from any existing dwelling located in the direct line of sight of the advertising on either side of a street and comply with §§ C(2) above.
5. Transitions for electronic message signs shall fade and content shall not change more than once every ten (10) seconds with a transition time of not more than two (2) seconds.
6. All electronic message signs shall include landscaping of a ground surface area equal to not less than fifty (50%) percent of the sign area with a mixture of annuals, perennials, shrubs, evergreen and/or shade trees.
7. No electronic message signs shall display any interactive message such as a message requesting that the viewer call a number for a chance to win a prize or claim a reward. Notwithstanding the foregoing, an Amber Alert message or similar message provided by a governmental entity on an electronic message sign shall not be considered an interactive message.
8. Electronic message signs shall be permitted only in the C-1, C-2 and ID Districts and only as conditional uses.

### **807 Nonconforming Signs**

Any sign lawfully existing or under construction on the effective date of this Ordinance, that does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal non-conforming sign. Normal maintenance of such signs, including changing of copy, necessary repairs, and incidental alterations that do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no enlargement or extension shall be made to a legal non-conforming sign unless it will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.

### **808 Removal of Certain Signs**

If the Zoning Officer shall find that any sign is damaged, in disrepair, vandalized, unsafe or insecure, he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction to the condition that caused the Zoning Officer to give such notice shall be effected within ten (10) days after receipt of the notice.

TEXAS TOWNSHIP ZONING ORDINANCE

TEXAS TOWNSHIP SCHEDULE OF SIGN REGULATIONS					
Prohibited Signs	Signs Allowed Without Permits	Signs Allowed with Permits from Enforcement Officer	Maximum Sign Surface Area Allowed for All Permitted Signs on a Lot Combined		Signs Permitted Upon Review by Township Supervisors
			Freestanding	Wall Signs	
<p>Animated, moving or flashing signs</p> <p>Portable and wheeled signs</p> <p>Projecting signs extending more than 15 inches from an exterior wall</p> <p>Roof signs</p> <p>Signs on vehicles parked to create a sign effect with being regularly in the normal course of business</p> <p>Signs on utility poles</p> <p>Signs not specifically permitted under this Ordinance or by the authority of the Board of Supervisors</p> <p>Signs resembling traffic signals or official traffic signs</p> <p>Signs that emit sound, odor or smoke</p> <p>Signs unrelated to permitted uses on a property</p> <p>Signs within the cartway of a public road</p> <p>Signs within 10 feet of power and telephone and television cable lines</p> <p>Signs of more than 15 feet in height</p>	<p>Bus shelter signs of 10 sq. ft. no more than two per shelter or lot</p> <p>Civic and religious signs of 2 sq. ft.</p> <p>Directional and instructional signs of 4 sq. ft. in aggregate per lot</p> <p>Non-commercial flags, emblems, insignia and temporary signs</p> <p>Governmental signs</p> <p>Holiday decorations</p> <p>Interior signs not classified as window signs</p> <p>Name and address plates and plaques of 2 sq. ft. each in area and 4 sq. ft. in aggregate per lot</p> <p>No trespassing, no dumping and similar signs of 2 sq. ft. in area</p> <p>Real estate, temporary construction and contractor signs of 12 sq. ft.</p> <p>Parking lot entrance sign (1) of 4 sq. ft., no more than 5 feet high</p> <p>Parking lot directional signs of 8 sq. ft. (16 sq. ft. in aggregate), no more than 7 feet high</p> <p>Sports patron advertising signs of 32 sq. ft. in area</p> <p>Temporary signs of 6 sq. ft. each and 24 sq. ft. in aggregate erected no more than 5 times or 60 days per calendar year aggregate</p> <p>Incidental signs of 2 sq. ft. each and 8 sq. ft. in aggregate per lot</p>	<p>Multi-family building signs of 4 sq. ft. each, no more than 1 per building.</p> <p>Residential development entrance ground signs (2 per road) of 24 sq. ft.</p>	<p>Fifty (50) sq. ft. in aggregate, or 1 sq. ft. per 5 feet of lot frontage (whichever is more), no individual sign to exceed 24 sq. ft. in area or 15 feet in height.</p>	<p>Five percent (5%) of any single building facade or thirty-two (32) sq. ft. per unit or lot in aggregate, whichever is more.</p>	<p>Other on-premises non-residential use advertising signs for principal permitted and legally existing non-conforming uses subject to Maximum Sign Surface Area for all signs on the lot as set forth in the two columns to the left.</p>

RESIDENTIAL DISTRICTS  
(R-1, R-2 AND R-3)

TEXAS TOWNSHIP ZONING ORDINANCE

TEXAS TOWNSHIP SCHEDULE OF SIGN REGULATIONS					
Prohibited Signs	Signs Allowed Without Permits	Signs Allowed with Permits from Enforcement Officer	Maximum Sign Surface Area Allowed for All Permitted Signs on a Lot Combined		Signs Permitted Upon Review by Township Supervisors
			Freestanding	Wall Signs	
<p>Signs on utility poles</p> <p>Signs that emit sound, odor or smoke</p> <p>Signs extending beyond the edge of a sidewalk or within the cartway of any public road, whichever is greater</p>	<p>Awning, canopy or marquee signs of 10 sq. ft. in aggregate per lot</p> <p>Bus shelter signs of 20 sq. ft. no more than two per shelter or lot</p> <p>Civic and religious signs of 4 sq. ft.</p> <p>Directional and instructional signs of 4 sq. ft.</p> <p>Governmental signs</p> <p>Holiday decorations</p> <p>Incidental signs of 4 sq. ft. each</p> <p>Name and address plates and plaques of 2 sq. ft. each in area and 4 sq. ft. in aggregate per lot</p> <p>No trespassing, no dumping and similar signs of 2 sq. ft. in area</p> <p>Parking lot entrance/exits sign (1) of 4 sq. ft., no more than 5 feet high</p> <p>Parking lot directional signs of 8 sq. ft., no more than 7 feet high</p> <p>Real estate, temporary construction and contractor signs of 32 sq. ft.</p> <p>Sandwich board or A-frame sign (1) of 10 sq. ft. placed no more than 10 feet from principal building entrance</p> <p>Sports patron advertising signs of 32 sq. ft. in area</p> <p>Temporary signs of 24 sq. ft. each</p>	<p>Multi-family building signs of 12 sq. ft. each, no more than 1 per building, Residential development entrance ground signs (2 per road) of 32 sq. ft.</p> <p>One permanently mounted changeable letter or fuel price sign of 48 sq. ft.</p> <p>Non-governmental flags of 96 sq. ft. suspended from poles of up to 36 feet in height</p> <p>One freestanding sign of 300 sq. ft., or one projecting sign of 32 sq. ft. 10 feet above the sidewalk or the ground, for non-residential use identification purposes</p> <p>Wall signs subject to the Maximum Sign Surface Area limitations to the right for such signs</p>	<p>Ninety-six (96) sq. ft. in aggregate or 2 sq. ft. per one foot of lot frontage (whichever is more) no individual sign to exceed 300 sq. ft. in area.</p>	<p>Fifteen percent (15%) of any single building facade or ninety-six (96) sq. ft. per unit or lot in aggregate, whichever is more.</p>	<p>Other on-premises non-residential use advertising signs for principal permitted and legally existing non-conforming uses subject to Maximum Sign Surface Area for all signs on the lot as set forth in the two columns to the left.</p> <p>Off-premises non-residential use directional signs as provided herein</p> <p>Common directory signs as provided herein</p> <p>Signs exceeding maximum allowed building height</p>

COMMERCIAL & INDUSTRIAL DISTRICTS (C-1, C-2 AND ID)

TEXAS TOWNSHIP ZONING ORDINANCE

TEXAS TOWNSHIP SCHEDULE OF SIGN REGULATIONS				
Prohibited Signs	Signs Allowed Without Permits	Signs Allowed with Permits from Enforcement Officer	Maximum Sign Surface Area Allowed for All Permitted Signs on a Lot Combined	Signs Permitted Upon Review by Township Supervisors
		Freestanding	Wall Signs	
<p>Animated, moving or flashing signs</p> <p>Portable and wheeled signs</p> <p>Projecting signs extending more than 15 inches from an exterior wall</p> <p>Roof signs</p> <p>Signs on vehicles parked to create a sign effect with being regularly in the normal course of business</p> <p>Signs on utility poles</p> <p>Signs not specifically permitted under this Ordinance or by the authority of the Board of Supervisors</p> <p>Signs resembling traffic signals or official traffic signs</p> <p>Signs that emit sound, odor or smoke</p> <p>Signs within the cartway of a public road</p> <p>Signs within 10 feet of power and telephone and television cable lines</p> <p>Signs of more than 15 feet in height (except as provided for non-residential use advertising signs)</p>	<p>Bus shelter signs of 10 sq. ft. no more than two per shelter or lot</p> <p>Civic and religious signs of 2 sq. ft.</p> <p>Directional and instructional signs of 4 sq. ft. in aggregate per lot</p> <p>Non-commercial flags, emblems, insignia and temporary signs</p> <p>Governmental signs</p> <p>Holiday decorations</p> <p>Name and address plates and plaques of 2 sq. ft. each in area and 4 sq. ft. in aggregate per lot</p> <p>No trespassing, no dumping and similar signs of 2 sq. ft. in area</p> <p>Real estate, temporary construction and contractor signs of 16 sq. ft.</p> <p>Parking lot entrance/exitsign (1) of 4 sq. ft., no more than 5 feet high</p> <p>Parking lot directional signs of 8 sq. ft. (16 sq. ft. in aggregate), no more than 7 feet high</p> <p>Sandwich board or A-frame sign (1) of 10 sq. ft. placed no more than 10 feet from principal building entrance</p> <p>Sports patron advertising signs of 32 sq. ft. in area</p> <p>Temporary signs of 16 sq. ft. each and 64 sq. ft. in aggregate erected no more than 5 times or 60 days per calendar year aggregate</p> <p>Incidental signs of 4 sq. ft. each and 12 sq. ft. in aggregate per lot (up to 6 sq. ft. each and 16 sq. ft. in aggregate within RU Districts</p>	<p>Multi-family building signs of 4 sq. ft. each, no more than 1 per building, Residential development entrance ground signs (2 per road) of 24 sq. ft.</p> <p>Awning, canopy or marquee signs of 16 sq. ft. each provided no more than 50% of awning, canopy or marquee is used for signage</p> <p>One permanently mounted changeable letter or fuel price sign of 36 sq. ft.</p> <p>One freestanding sign of 96 sq. ft. for non-residential use identification purposes</p> <p>Wall signs subject to the Maximum Sign Surface Area limitations to the right for such signs</p>	<p>Ninety-six (96) sq. ft. in aggregate or 1 sq. ft. per two foot of lot frontage (whichever is more), no individual sign to exceed 64 sq. ft. in area or 20 feet in height</p>	<p>Other on-premises non-residential use advertising signs for principal permitted and legally existing non-conforming uses subject to Maximum Sign Surface Area for all signs on the lot as set forth in the two columns to the left.</p> <p>Off-premises non-residential use directional signs as provided herein</p> <p>Common directory signs as provided herein</p>
<b>RU DISTRICT</b>				

# TEXAS TOWNSHIP ZONING ORDINANCE

## ARTICLE IX ADMINISTRATION

### 901 General Procedure for Permits

#### 901.1 Principal Permitted Use

Within thirty (30) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issuance - Issue the permit under this Ordinance; or,
- B. Denial - Deny the permit, indicating at least one (1) applicable reason, in writing, to the applicant or his/her representative.
- C. Expiration - A permit issued hereunder shall expire twelve (12) months after the issuance date if no activity has taken place.

#### 901.2 Conditional Uses, Special Exceptions and Variances (See §902.2, §908 and §907.)

Certain applications require approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission.

#### 901.3 Appeal

See §905.2.C which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

#### 901.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant.

#### 901.5 Temporary Permit

A temporary permit may be authorized by the Board of Supervisors for a nonconforming structure or use which does not comply with the provisions of this Ordinance and which it deems necessary to promote the proper development of the community, provided that such temporary nonconforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year with an annual renewal for an aggregate period not exceeding three (3) years.

### 902 Permits and Certificates

#### 902.1 Applicability and Exemption

- A. Applicability - See §105.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. Exemption - A permit shall not be required for the erection, construction, movement, placement or extension of an accessory buildings less than one hundred (100) square feet in size or for docks, fences or similar minor accessory structures and uses. The exemption from a zoning permit does not exempt any use from permit requirements of the Uniform Construction Code or compliance with the requirements of this Ordinance.

### 902.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) and Accessory Uses - If a use is listed as a principal permitted use or an accessory use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors following review by the Township Planning Commission and a public hearing conducted by the Board of Supervisors. (See §908.)
- C. Special Exception Use - A permit under this Ordinance for a use requiring a Special Exception shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board following review by the Township Planning Commission and a public hearing conducted by the Zoning Hearing Board. (See §908.)
- D. Application Requiring a Variance - A permit under this Ordinance for a use requiring a Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board following a public hearing conducted by the Zoning Hearing Board.(See §907.)

### 902.3 Applications

- A. Required - Any request for action by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made, in writing, on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure the responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - The applicant shall submit the number of paper copies and the electronic copy as may be established by Township policy.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include all information required by this Ordinance.
  - 1. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.
  - 2. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts

## TEXAS TOWNSHIP ZONING ORDINANCE

of the proposed use.

- D. Surveyor - In cases where the size of the lot, proposed setbacks, lot coverage or other aspect of the proposed construction or development is of such nature as to make confirmation of compliance with the required standards uncertain based solely on the plot plan submitted by the applicant, or if the exact location of property lines or property corners cannot be determined by the Township, the Township may require the applicant to submit a survey of the subject parcel. Said survey shall be made by a Pennsylvania Registered Land Surveyor and shall show all details required by the Township to confirm compliance with the particular standards in question. The Township may require such survey prior to issuance of a permit to document that all requirements can be satisfied, or prior to issuance of a certificate of use/occupancy to confirm that all improvements have been developed in accord with the applicable requirements.
- E. Other Laws and Regulations
  - 1. The Zoning Officer shall issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and with the laws and regulations of the Commonwealth and the Federal Government.
  - 2. The Applicant bears all responsibility for ensuring compliance with all applicable laws and regulations, including but not limited to, compliance with this Ordinance, the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, any and all regulations governing wetlands and/or other natural resources, and all other Township, County, State and/or Federal laws and regulations.
- F. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application.
- G. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Wayne County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- H. Principal Permitted Uses and Accessory Uses - Applications for principal permitted uses and accessory uses shall, at a minimum, include the following:
  - 1. Names and address of the applicant, or appellant; and, the name and address of the owner of the affected property.
  - 2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
  - 3. A description of any proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards, or other significant public health and safety hazards.
  - 4. If a principal nonresidential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.

## TEXAS TOWNSHIP ZONING ORDINANCE

5. A listing of any specific sections of this Ordinance being appealed, with the reasons for any appeal.
6. If applicable, a plot plan legible in every detail and drawn to scale, but not necessarily showing precise dimensions, which includes the following information:
  - a. Name of the development.
  - b. Name and address of land owner and/or land developer. (If a corporation, list names of officers.)
  - c. Location map.
  - d. North arrow, true or magnetic.
  - e. Graphic and written scale.
  - f. County tax identification number for the parcel(s).
  - g. Date plot plan was completed.
  - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
  - i. Proposed and existing street and lot layout, including street names and right-of-way widths.
  - j. Existing and proposed man-made and/or natural features:
    - (1) Water courses, lakes and wetlands (with names).
    - (2) Rock outcrops, ledges and stone fields.
    - (3) Buildings, structures, signs and setbacks required by this Zoning Ordinance.
    - (4) Approximate location of tree masses.
    - (5) Utility lines, wells and sewage system(s).
    - (6) Entrances, exits, access roads and parking areas, including the number of spaces.
    - (7) Drainage and storm water management facilities.
    - (8) Plans for any required buffer plantings.
    - (9) Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.

## TEXAS TOWNSHIP ZONING ORDINANCE

8. Tract boundaries accurately labeled.
  9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
  10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
  11. A statement of the type of water supply and sewage disposal proposed.
  12. The present zoning district and major applicable lot requirements.
- I. Conditional Uses and Special Exceptions - See §908.1.C for conditional use and special exception application requirements.
  - J. Variances - Applications for variances shall include the information required by Zoning Hearing Board policies and procedures.

### 902.4 Inspections

Inspections associated with an application for a development or use shall be conducted in accord with the policies and procedures adopted by the Township.

### 902.5 Revocation of Permits

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer, and all work and/or use of the property shall be discontinued in accord with the permit revocation. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in case of:

- A. False Information - Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (The Pennsylvania Criminal Code provides for penalties for providing false information to a Township employee in the carrying out of his/her duties); or,
- B. Condition Violation - Violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. Noncompliance - Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application;
- D. Other Laws and regulations - Violation of any applicable Township, County, State or Federal Law or regulation; or,
- E. Other - Any other just cause set forth in this Ordinance.

### 902.6 Changes to Approved Plans

- A. Written Consent - After the issuance of a permit and/or approval under this Ordinance, an

## TEXAS TOWNSHIP ZONING ORDINANCE

approved application shall not be changed without the written consent of the Township, as stated in Subsection B below.

- B. Conditional Uses and Special Exceptions - Changes to an approval by the Board of Supervisors as a conditional use or by the Zoning Hearing Board as a special exception use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Zoning Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
- C. Notice - A copy of such adjustment or correction shall be provided, in writing, to the Planning Commission, the Board of Supervisors or the Chairperson of the Zoning Hearing Board, as appropriate, if the change concerns a plan approved by such body.

### 902.7 Certificate of Use

A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses of this Ordinance, or both.

- A. Requirement - No vacant land shall be occupied or used for a use not listed on the Schedule of Uses, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use has been issued by the Zoning Officer.
- B. Building - A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incidentally with the application for a zoning building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part has been completed in conformity with this Ordinance.
- C. Change of Use - A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building is changed in use. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
- D. Nonconforming Structures and Uses - See Article V. A Certificate of Use for changing or extending a nonconforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
- E. Record - A record of all Certificates of Use shall be kept on file in the administrative offices of the Township.

# TEXAS TOWNSHIP ZONING ORDINANCE

## 903 Fees

### 903.1 Application Fees

As authorized by §617.3(e) and §908(1.1) of the MPC, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after all fees have been paid in full; and, the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full. The Board of Supervisors shall be authorized to modify or waive fees for good cause in special circumstances.

### 903.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township as required by §908(7) of the MPC and shall be in addition to any other applicable fees due hereunder. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

## 904 Zoning Officer

### 904.1 Appointment

The Zoning Officer shall be appointed by the Board of Supervisors in accord with §614 of the MPC. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the MPC.

### 904.2 Duties and Powers

It shall be the duty of the Zoning Officer to enforce, literally, the provisions of this Ordinance and amendments thereto and Zoning Officer to shall have such duties and powers as are conferred by this Ordinance, and as are reasonably implied for that purpose. The Zoning Officer shall not have the power to permit any construction or allow any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer's duties shall include, but are not limited to, the following:

- A. Applications - Receive and examine all applications for zoning permits, and issue permits when there is compliance with the provisions of this Ordinance and deny permits for noncompliance.
- B. Conditional Uses, Special Exceptions, and Variances - Receive zoning permit applications for conditional uses, special exceptions, and variances and forward these applications to the Township Planning Commission and/or the Zoning Hearing Board for action thereon in accord with all applicable provisions of this Ordinance.
- C. Zoning Hearing Board Action - Following denial of an application for a permit, to receive applications for interpretations, appeals and variances, and forward these applications to the Zoning Hearing Board for action thereon.

## TEXAS TOWNSHIP ZONING ORDINANCE

- D. Inspections and Surveys - Conduct inspections and surveys to determine compliance or noncompliance with the provisions of this Ordinance. The Zoning Officer shall have the right to enter upon the land of another in the course of his lawful duties upon obtaining permission from the owner.
- E. Certificates/Documents - Issue certificates of use/occupancy, certificates of nonconforming use and other documents necessary to the administration of this Ordinance.
- F. Record Keeping - Record and file all applications for zoning permits with the accompanying plans and documents and keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building or land.
- G. Nonconformities - Register nonconforming uses and structures when requested by property owners with legal nonconforming uses.
- H. Zoning Map - Maintain the Official Zoning Map of the Township showing the current zoning classification of all land in the Township.
- I. Stop Work - Issue stop, cease and desist orders and enforcement notices, and order, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance.
- J. Enforcement Proceedings - With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of any building; and to restrain, correct or abate such violations, so as to prevent the occupancy or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises which is in violation of this Ordinance.
- K. Revocation - Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Ordinance.
- L. Testimony - Upon the request of the Board of Supervisors, the Planning Commission or the Zoning Hearing Board, present facts, records or reports which they may request to assist such body in making decisions.

### 904.3 Qualifications

Pursuant to §614 of the MPC, the following minimum qualifications shall apply to any Zoning Officer appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors:

- A. The person shall demonstrate a working knowledge of Township zoning.
- B. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the Magisterial District Judge.

## TEXAS TOWNSHIP ZONING ORDINANCE

- C. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- D. The person shall demonstrate competent oral and written communication skills.
- E. The person shall be familiar with the MPC.

### **905 Zoning Hearing Board**

#### 905.1 Membership and Qualifications

- A. Membership - The Board of Supervisors shall create a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the MPC.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
  - 1. Become familiar with the MPC and the Zoning Ordinance and Subdivision and Land Development Ordinance.
  - 2. Attend seminars and/or workshops pertaining to Township planning and/or zoning.
- C. Vacancies - 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 a term.
- D. Removal of Members - See §905 of the MPC.
- E. Organization.
  - 1. Officers - The Board shall elect officers from its own membership who shall serve annual terms and may succeed themselves.
  - 2. Quorum - For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, except that 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 by §908 of the MPC. The quorum may be met by alternate members, serving as permitted by §906(b) of the MPC.
  - 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and laws of the Commonwealth of Pennsylvania.

#### 905.2 Jurisdiction

In accord with §909.1(a) of the MPC, the Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive Validity Challenges - Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §609.1 (Landowner Curative Amendments) and §916.1(a) (2) (Validity of Ordinances) of the MPC.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. Procedural Validity Challenges - Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- C. Zoning Officer Appeals - 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. Variances - Applications for variances from the terms of this Ordinance pursuant to §910.2 of the MPC.
- E. Special Exceptions - Applications for special exceptions under this Ordinance pursuant to §912.1 of the MPC and the requirements of this Ordinance.
- F. Preliminary Opinion Appeal - Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the MPC.
- G. E & S; Stormwater Appeals - 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 storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

### **906 Zoning Hearing Board -- Hearings and Decisions**

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the MPC, and the provisions of this §906. The hearings shall be conducted by the Board, or, the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, 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.

### **907 Variances.**

#### 907.1 Jurisdiction

The Zoning Hearing Board shall hear duly filed requests for variances.

#### 907.2 Standards

The Board may grant a variance only in accord with the requirements of §910.2 of the MPC. The applicant shall have the burden of proof to show compliance with such standards. As of January 2003, the MPC provided that all of the following findings are made where relevant in a given case:

- A. Unique Physical Circumstances or Conditions - 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

## TEXAS TOWNSHIP ZONING ORDINANCE

created by the provisions of this Ordinance in the neighborhood or District in which the property is located.

- B. Necessary for Reasonable Use - 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 Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. Self-Creation - That such unnecessary hardship has not been created by the appellant.
- D. Neighborhood; Adjacent Property; Public Welfare - 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. Minimum Variance - 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.

### **908 Conditional Uses and Special Exceptions**

#### 908.1 Pre-submission Conference; Applications

- A. Pre-submission Conference - The applicant for a conditional use or special exception may contact the Zoning Officer to arrange a pre-submission conference to outline the nature of the proposed application and to determine the nature and extent of the information to be supplied on the site development plan.
- B. Electronic Format - Applications for conditional uses and special exceptions may be submitted in any electronic format approved by the Zoning Officer, provided that paper copies of final documents shall be provided for official approval and record-keeping purposes.
- C. Application Information - Applications for conditional uses and special exceptions shall, at a minimum, include a narrative detailing how the development or proposed use will comply with the standards in §908.4 and a site development plan. The plan shall be prepared by a civil engineer, surveyor, land planner, architect or other competent person. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated by the Zoning Officer in the pre-submission conference
  - 1. Legal Data
    - a. The tax number of the property from the latest tax records.
    - b. The name and address of the owner of record.
    - c. The name and address of the person, firm or organization preparing the map, including the seal and signature of the responsible professional(s).
    - d. The date, North point and written and graphic scale.

## TEXAS TOWNSHIP ZONING ORDINANCE

- e. Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest ten (10) seconds or closer. The error of closure shall not exceed one (1) in five thousand (5,000).
  - f. The locations, names and existing widths of adjacent streets and curb lines.
  - g. The locations and owners of all adjoining lands as shown on the latest tax records.
  - h. The locations, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
  - i. A complete outline of existing deed restrictions or covenants applying to the property.
  - j. The zoning district in which the property is located.
2. Natural Features
- a. The existing contours with intervals of ten (10) feet or less, as determined at the pre-submission conference, referenced to a datum satisfactory to the Zoning Officer.
  - b. The proposed finished contours with intervals of ten (10) feet or less referenced to the same datum.
  - c. The boundary of any area in the one-hundred-year floodplain, and stormwater overflow area.
  - d. The location of existing wetlands, swamps or marshes, watercourses, including intermittent streams, wooded areas and any other pertinent natural pre-submission conference feature
  - e. Soil survey data, including capabilities for on-lot septic systems, as taken from the Soil Conservation Survey or as mapped by a qualified soil scientist.
  - f. Soil percolation test results and/or comments from the Wayne County Conservation District, as requested in the pre-submission conference.
3. Utilities, structures and uses on and within 200 feet of the site
- a. The location of all utilities, including:
    - (1) Power lines.
    - (2) Telephone lines, including cellular transmission towers; and cable television lines.
    - (3) Storm sewers (including culverts), giving dimensions, grades and direction of flow.
    - (4) Sanitary sewers, giving dimensions, grades, elevations and direction of flow.

## TEXAS TOWNSHIP ZONING ORDINANCE

- (5) Waterlines, giving dimensions and elevations.
  - b. Curbs and gutters, sidewalks, paved areas and access.
  - c. The outline of structures and use areas.
  - d. Fences, landscaping, screening and other improvements, as determined at the pre-submission conference.
4. Proposed improvements and use
    - a. The design and location of all uses and use areas not requiring structures.
    - b. The location of proposed buildings or structures.
    - c. The design and location of all outdoor signs, if any.
    - d. The design and locations of driveways, parking areas, sidewalks and other paved areas, including existing and proposed profiles and cross sections.
    - e. The location of proposed or existing well and sewage disposal systems or water- and sewer lines.
    - f. The plan and location of any proposed grading, landscaping or screening.
    - g. A copy of any proposed deed restriction or covenants.
    - h. The plan and location of any proposed public improvements on or adjacent to the property.
  5. Evidence shall be shown of compliance with the Department of Environmental Protection, PennDOT highway occupancy standards and Department of Labor and Industry Standards.
  6. The location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservation as specified on the Official Map.
  7. Any other information which may be determined during the pre-submission conference to be necessary to ascertain the conformity of the site plan with the intent and requirements of this Ordinance.

### 908.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval by the Board of Supervisors pursuant to the express standards as provided for specific conditional uses in this Ordinance, in §908.4, and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a conditional use.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. Submission Procedure - The application shall be submitted to the designated Township official. The official may refuse to accept an application which does not provide all information required to determine compliance with this Ordinance.
- C. Zoning Officer Review - The Zoning Officer may report, in writing or in person, to the Planning Commission or the Board of Supervisors stating whether the application complies with this Ordinance. The Zoning Officer may recommend a review by the Township Engineer.
- D. Planning Commission Review of Conditional Use:
  - 1. In accord with §603(c)(2) of the MPC, the Township Planning Commission shall be provided with an opportunity to review any proposed conditional use. The Commission, at its option, may provide a written advisory review.
  - 2. If such review is not received by the Board of Supervisors within the time limit within which the Board of Supervisors shall issue its decision then the Board of Supervisors may make its decision without having received comments from the Planning Commission.
- E. Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the MPC. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it determines are necessary to implement the purposes of the MPC and this Ordinance, and to protect the public health, safety, and welfare.
- F. Notice - In addition to the notice and posting requirements of the MPC, notice of all conditional use hearings shall be mailed to the owners of all properties contiguous to or within 500 feet of the parcel that is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing. Such notice shall be by U.S. Mail, with proof of mailing, to the last known address of the contiguous owners as listed in Wayne County tax assessment records.

### 908.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Zoning Hearing Board pursuant to the express standards and criteria as provided for specific special exceptions in this Ordinance and in §908.4.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a special exception.
- B. Procedure
  - 1. Submission - The application shall be submitted to the designated Township official.
  - 2. Zoning Officer Review - The Zoning Officer may report, in writing or in person, to the Planning Commission or the Zoning Hearing Board stating whether the application complies with this Ordinance. The Zoning Officer may recommend a review by the Township Engineer.

## TEXAS TOWNSHIP ZONING ORDINANCE

3. Planning Commission Review of Special Exception Uses
  - a. The Township Planning Commission shall be provided with an opportunity to review any proposed special exception use. The Planning Commission, at its option, may provide a written advisory review.
  - b. If such review is not received by the Zoning Hearing Board within the time limit within which the Board must issue its decision then the Zoning Hearing Board may make a decision without having received comments from the Planning Commission.
4. Zoning Hearing Board Action on Special Exception Uses
  - a. The Board shall hear and decide a request for a special exception use under the procedures in §906 of this Ordinance and §908 of the MPC.
  - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it determines are necessary to implement the purposes of the MPC and this Ordinance, and to protect the public health, safety, and welfare.

### 908.4 Standards and Criteria for Conditional Uses and Special Exceptions

In addition to the applicable general provisions of this Ordinance and to the standards and criteria provided in this Ordinance for specific conditional uses and specific special exceptions, the standards and criteria in this §908.4 shall be applied in the review of applications for conditional uses and special exceptions. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare; and, the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

- A. Comprehensive Plan; Ordinances - The proposed use shall be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, this Ordinance, and all other ordinances of the Township.
- B. Location - The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- C. Adverse Effects - The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. Public Improvements - The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such

## TEXAS TOWNSHIP ZONING ORDINANCE

improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other Ordinances of the Township. The permit approval shall be so conditioned.

E. Additional Factors - The following additional factors shall be considered:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of storm water and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

### 908.5 Conditions of Approval for Conditional Uses and Special Exceptions

No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Board of Supervisors or Zoning Hearing Board to protect the general health, safety, and welfare, and implement the purposes of this Ordinance and the MPC, shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the MPC, as the case may be.

Conditions which may be imposed may include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

# TEXAS TOWNSHIP ZONING ORDINANCE

## 909 Subdivision and Land Development

- A. Timing of Submission - The Township Planning Commission and Board of Supervisors or the Zoning Hearing Board will process an application for a conditional use or a special exception, respectively, prior to, or concurrently with, land development approval, if such subdivision or land development approval is required under the provisions of the *Township Subdivision and Land Development Ordinance*. The intent of prior action on a conditional use or a special exception is to afford the applicant the opportunity to obtain initial zoning approval before committing the resources necessary to prepare and submit a detailed plan to conform to the requirements of the Subdivision Ordinance.
- B. Conditions - At the time of land development approval which has been preceded by conditional use or special exception approval, the Board of Supervisors shall have the right to attach any and all reasonable conditions of approval to any subdivision or land development plan which was preceded by conditional use or special exception approval.

## 910 Mediation

Parties to proceedings authorized by this Ordinance and the MPC may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

## 911 Time Limits for Appeals

The time limitations for appeals shall be as follows:

### 911.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision of the Zoning Officer, or appeal to the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the MPC.

### 911.2 Revoked Permits

This thirty (30) day time limit for appeal shall not apply to the revocation of a permit by the Zoning Officer in accord with §902.5.

## 912 Appeals to Court and Other Administrative Proceedings

Appeals to Court and other administrative proceedings shall be governed by Article X-A and Article IX of the MPC, respectively.

## 913 Public Utility Corporations

In accord with §619 of the MPC, this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both

## TEXAS TOWNSHIP ZONING ORDINANCE

the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings

### **914 Limited Township Exemption**

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

### **915 Amendments**

The Board of Supervisors may amend this Ordinance by complying with the requirements set forth in Article VI of the MPC. A landowner who desires to challenge on substantive grounds the validity of an ordinance or 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 §609.1 and §916.1 of the MPC.

### **916 Violations**

#### 916.1 Compliance

Failure to comply with any provision of this Ordinance; failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board; or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a certificate of use/occupancy, shall be violations of this Ordinance.

#### 916.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. Any complaint filed in writing with the Zoning Officer, and which includes the full name, address and telephone number of the complainant, shall be investigated by the Zoning Officer with the results reported to the complainant. Any verbal complaints may be investigated at the discretion of the Zoning Officer.

#### 916.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance is served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the MPC and set forth in this §916.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. Violation - If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in §916.3.B.

## TEXAS TOWNSHIP ZONING ORDINANCE

- B. Notice Recipient(s) - 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.
- C. Notice Content - An enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  4. The date before which the steps for compliance shall be commenced and the date before which the steps shall be completed.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
  6. 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.
- D. Appeal - In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

### 917 Penalties and Remedies

#### 917.1 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 any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, 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 at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

#### 917.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil

## TEXAS TOWNSHIP ZONING ORDINANCE

enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

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

### **918 Liability**

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes, or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

**TEXAS TOWNSHIP ZONING ORDINANCE**

**ARTICLE X  
ENACTMENT**

This Ordinance ordained and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the Board of Supervisors of Texas Township, Wayne County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Chairman

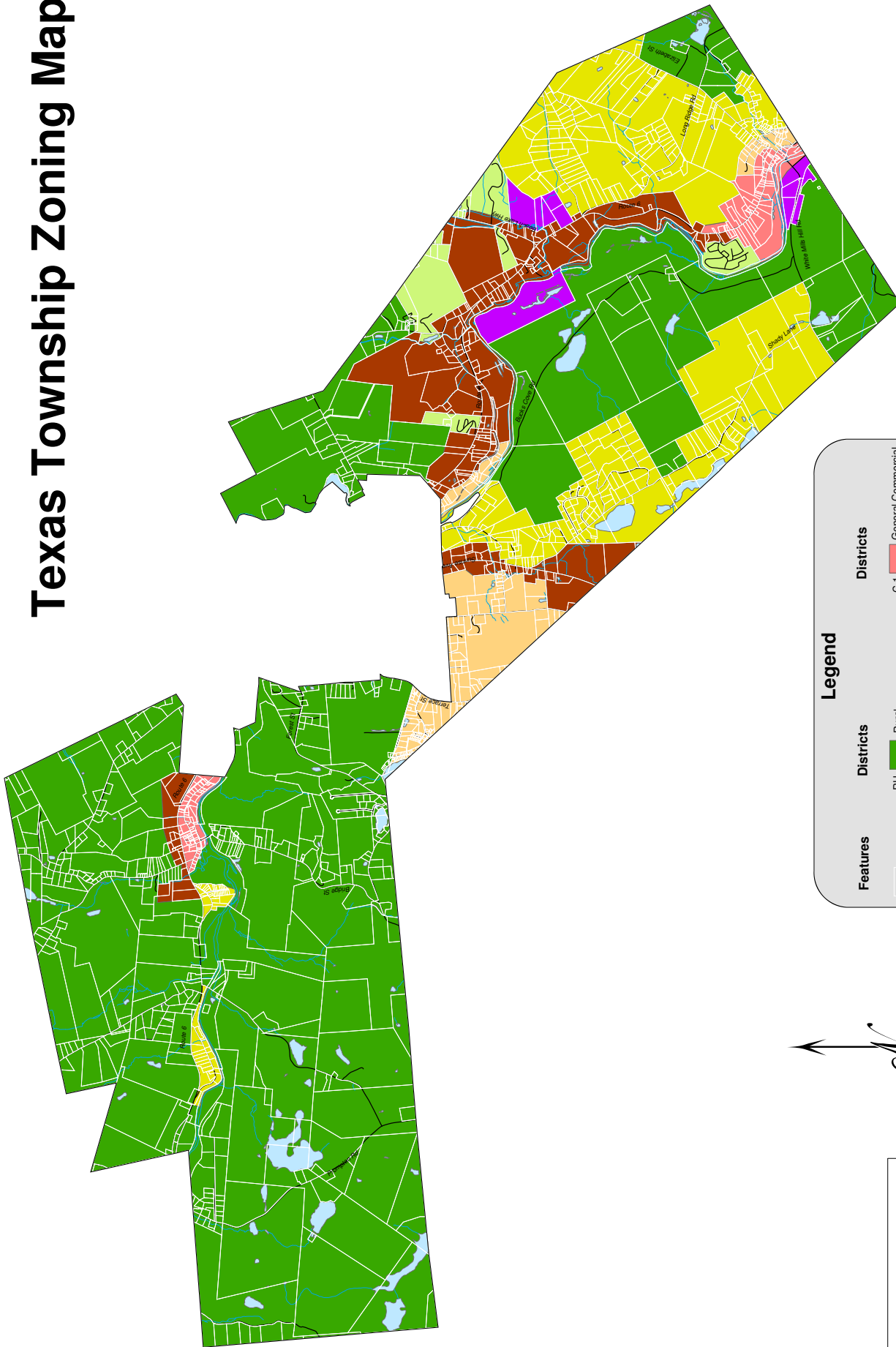
\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Supervisor

Attest:

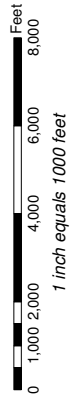
\_\_\_\_\_  
Secretary

# Texas Township Zoning Map



**Legend**

Features	Districts	Districts
Parcels	RU Rural	C-1 General Commercial
Roads	R-1 Low-Density Residential	C-2 Highway Commercial
Water Courses	R-2 Multi-Family Residential	ID Industrial
Water Bodies	R-3 Residential - Mobile Home Parks	



Also with the other General Districts there is also an additional floodplain classification. (See Article IV, Section 410 in the Texas Township Zoning Ordinance.)

Texas Township Zoning Map - 2005	
Texas Township Wayne County, Pennsylvania	
Adopted by Texas Township Supervisors on 9/19/2005	
Attest:	
Zoning map information compiled from Texas Township Zoning Map adopted March 21, 1994 and amended on December 20, 1998, and June 13, 2005.	
Parcel line data obtained from Wayne County Assessment Office Prepared by Wayne County Department of Planning	